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THE WORKS OF THEODORE ROOSEVELT

NATIONAL EDITION

VOLUME XVII

GIFT FROM
CHURCH PERIODICAL CLUB

Social Justice and Popular Rule

ESSAYS, ADDRESSES, AND PUBLIC STATEMENTS
RELATING TO THE PROGRESSIVE MOVEMENT
(1910–1916)

By

Theodore Roosevelt

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1926

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EDITOR'S NOTE

EVEN as the political events of 1910 and 1912 were the natural outcome of the movement which Mr. Roosevelt as Governor and President himself in part inaugurated and for ten years wholly guided and directed, so this volume is a logical sequel to the two volumes which precede it. The convictions expressed here are fundamentally the same which he expounded throughout the preceding decade, brought to a sharp focus under attack. In the presidential messages and addresses, the fundamental principles on which his political philosophy rests are implied, taken for granted, and all his attention is given to the details by which those principles may find tangible expression in American life. The papers in this volume, however, are the utterances of a man who has become sharply aware that the principles are being challenged, which he regarded as established beyond dispute. The logic of the statesman is supplemented by the fire of the prophet who sees the foundations of the national structure endangered. Whereas the utterances of the years of the presidency here and there shine or glow, these later utterances burn.

As in the two preceding volumes, the collection of essays and addresses presented here is representative rather than complete; but in it the reader will find reflected all the memorable ideas and events of the Progressive movement.

H. H.

THE GREAT PROGRESSIVE

By Herbert Knox Smith

THROUGH this volume ring the hammer strokes of a master workman forging and assembling the supporting girders of democracy.

After his Presidency, with the prestige and power of the White House voluntarily laid aside, Colonel Roosevelt in 1910 entered upon a higher, harder road of service. There was no shadow of turning in the path of his life. From private citizen, to Governor, to President, and again to private citizen, it kept one steady purpose, the solidarity, the essential unity of our country.

The man, and the task in varied forms, had faced each other since the beginning of the century. The years from 1901 to 1909 were the prologue for 1910 to 1914. In 1900 the surface of American life was, as it were, hardening, was growing less plastic. Dangerous division lines were opening from the pressures beneath, splitting the unity of the nation. The great trust movement was in full force, sweeping into a few hands special industrial privileges, the control of natural resources, and decisive advantages in transportation. Individual opportunity and the open highways of commerce were narrowing. Great corporations were considering themselves above the law, with the cynical but increasing concurrence of the public. A sinister atmosphere was gathering, menacing to American initiative and American ideals.

These recognized inequalities, with the twisted standards which they implied, were moving strongly toward national disunity—that profound disunity which in a democratic people must result from confessed differences in privilege and opportunity.

In 1901, Colonel Roosevelt, with his seer's insight into Americans and American conditions, became President. He saw the danger, and with increasing clearness he framed the issues, speak-

ing directly to the people. The phrases I have quoted herein are his. With the popular will behind him, he attacked the great inequities, established the supremacy of the Government over business interests, brought publicity into corporate affairs, and placed our natural resources under the protection of the Conservation policies.

There was conflict enough, and to spare, in that earlier period from 1901 to 1909. My own small part, as Commissioner of Corporations, seemed to be lived in the whirlwind. But the heart of the storm was still ahead. The stakes were too great to be surrendered without conflict—without resort to the last court of appeal—the vast industrial powers, the billions of dollars still remaining in our natural resources. The eight years of his Presidency were sufficient to do no more than establish the issue. But the case at least was stated—stated plainly by Colonel Roosevelt for friend and foe. "The conflict between human rights, on the one side, and, on the other, special privilege asserted as a property right." The powers in opposition met the attack in these years mainly by evasion, beneath the surface. But both they and he foresaw the irrepressible conflict. His Presidency was only the prelude to the greater drama.

The administration of President Taft advanced the action another step. Placed in power in the belief of the progressive element that he would maintain the advance, Mr. Taft failed them. The dark forces, held at arm's length through those first stormy years, now loomed close at hand in the places of power.

Slowly the great duel shifted to the wider, more significant field of battle, to that final arbitrament—supreme political force. In 1910 came the sudden explosion of "insurgency" in the Lower House of Congress, and Mr. Taft threw the power of the Administration in support of the Old Guard. Colonel Roosevelt returned from Africa, as the Hebrew prophets came out of the wilderness to attack the abuses of their time. The New York Governorship campaign of 1910 became his own fight against the combination of the Democratic political machine and the great Wall Street interests. He applied in this battle his con-

ception of the New Nationalism—an efficient Federal Government "applying the old moralities to the new conditions."

His action was simply the logic of character, which is destiny. This present volume—the story of the great effort from 1910 to 1914—is the inevitable consequence of the work of his Presidential years.

The reaction of his foes was as inevitable. The great interests were already thoroughly familiar with Colonel Roosevelt's powers and purposes when he was President and earnestly feared and hated them. He told them plainly: "Our intention is to extend the genuine principles of democracy into our industrial and economic, as into our political life." They also saw, just as he did, that the old conflict was moving to a new battle-ground—the political arena. They prepared for that struggle with the intensity and short-sightedness of those who hope actually to hand down unfair advantage to their children, not foreseeing the harvest those children would reap. The original question, "Shall the Government control business?" gave place to the ultimate question: "Shall the citizen control his Government?"

He had made progressive the Government and the public, but not that last citadel of reaction, the Republican party-machine. Bourbon forces were generally in control of the National and State organization of the party. Here, in this political machinery, lay the last and strongest intrenchment of industrial despotism, "the fatted soul of things." Ahead lay Armageddon.

Some time in 1911 I called upon Colonel Roosevelt at the *Outlook* office, on leave from Washington. I told him I was going home for a few days. He pounced down on me instantly: "H. K., don't you dare go back to Connecticut and do anything for my nomination for the Presidency in 1912!" Then he said: "I've had eight years of the Presidency. I know all the honor and pleasure of it and all of its sorrows and dangers. I have nothing more to gain by being President again and I have a great deal to lose. I am *not* going to do it!"—then he went to the window and looked out on Fourth Avenue for some moments, and turned and added with great emphasis—"unless I get a mandate from the American

people." I know much better now than I did then what was before his far-seeing eyes as he stood there looking out over the housetops—the fierce strife ahead, the menacing issues lying within it, the far-reverberating results that would follow, the sacrifice that would be required of him.

That mandate came. It became desperately clear to all Progressives early in 1912 that their accomplished advance was in imminent peril of recession. The pressure came down on Colonel Roosevelt, culminating in the appeal of the seven Governors on February 10, 1912. He accepted the call of his friends, the challenge of his familiar foes.

As once before, Colonel Roosevelt "had nobody with him but the people." Wherever the public could speak through the primaries, Mr. Roosevelt defeated Mr. Taft by a vote of three to one and four to one, and went to the Chicago Republican Convention in 1912, having behind him nine-tenths of the delegates who came from States where there was any real and free Republican Party. The public considered the matter settled. So far as possible, they had stated their will and had no conception of the concealed possibilities. Colonel Roosevelt, however, prior to the National Convention, expressly pointed out the probable course of the Republican machine. "If the people are against me, I have nothing to say. But if they are for me, and the bosses declare the result the other way, I shall have a good deal to say."

Then came the momentous event that placed the issue squarely before each citizen. The Republican National Convention at Chicago was a fraud to the end, based on an open fraud at the beginning. Under the driving of the "Old Guard," the National Committee made up a fraudulent temporary roll of delegates, which determined the permanent roll. The decisions on the contests were openly flagrant. By deliberate and demonstrated fraud, with at least 250 votes collected by the Administration from the unchangeably Democratic States of the South, they unseated over ninety Roosevelt delegates whose title was superior, engineered a working majority of twenty-one votes, and nominated Mr. Taft. It was a flat reversal of the expressed will

of the men of the Republican Party. It was a denial of our political freedom. "When the Republican platform was read aloud in the Convention and the reader unctuously recited that this was a Government 'of the people, for the people, and by the people,' the Convention burst into a roar of derision."

Its final act was its most daring and dangerous. It appointed a new reactionary National Committee, which would, under the rules, control the making up of the temporary, and, therefore, the permanent roll of the next Republican Convention four years later. "The Republican Party has given absolute control of its destinies into the hands of a National Committee composed of fifty-three irresponsible and, on the whole, obscure politicians." It was the last stand of that "tyranny of kings" that our race has always contested.

There are in the lives of men and nations battles which must be fought regardless of cost. The quarrel was the quarrel of Pym and Hampden and Cromwell and Washington. Suppose the American public had submitted to this usurpation? Suppose it had accepted this Convention and its action as a ruling precedent for our future? Our political freedom would have passed in mockery, surrendered to absolutism.

The guards of democracy must always go armed and alert. For the first time in a generation, the flame of a great ideal blazed in politics. Colonel Roosevelt, closing the Progressive Convention of 1912, invoked it: "Now to you men who in your turn have come together to spend and be spent in the endless crusade against wrong, to you who gird yourselves for this great new fight in the never-ending warfare for the good of mankind, I say in closing, 'we stand at Armageddon and we battle for the Lord.'"

Outlined increasingly through 1901 to 1909, defined again by the fight of 1910, the issues now were written large on the sky, were etched in fire against the dark background of materialism, by the dramatic duel in the Convention.

Rereading his words, I am shaken once more by the wind of that struggle. Behind their great fighter the men of the country rose to the issue, and their crusade for liberty was the finest thing

of our generation. Not the great interests and their tools, the greater and lesser bosses; not the inborn reactionary—"the man who sincerely disbelieves in the right and the capacity of the people for self-rule"; not "the men who live softly," who give lip-service to great ideals, but cower in fear for the soft conditions of their lives. But there fought, not only the men who were fighters by experience—who could afford to take the chances—but the millions who had never fought, to whom that fight meant sacrifice—the little storekeeper, the employee of the interests, the man who had to break with his friends and his daily bread. I remember still with astonishment, and pride in our race, the self-sacrifice and courage of the men, whom I had never known before, but whom I shall never now forget—the Roosevelt men—plain, hard-working Americans, with narrow margin of livelihood and wide sweep of courage and ideals, with nothing to gain, with all to lose, who risked the well-being of their lives for political liberty.

Colonel Roosevelt touched here new heights of personal power. It was stark leadership, stripped of all the supports of public office, of great party or financial backing. Leadership—the power of a single man over the minds of men—power through the force he had, and the ideals which he and they had in common; driving against the fiercest weight of opposition that ever entered our political arena.

The historic results of that conflict went so deep that they are not easily estimated, but certain great truths were thereby fixed. This Republic must stand for the man ahead of the dollar; must place first social and industrial justice; must, if it is to live, be superior to all property interests; and, if it is to be a republic and not a tyranny, the citizen must control his Government. In that campaign was recorded the essential basis of American unity. It is *res adjudicata*.

There are forces and lives that fix forever certain truths. When John the King and the Barons faced each other across the Great Charter, there were framed those basic truths of civil liberty now in all our Constitutions, forever unquestioned in principle, although in practice men still try to override them.

Between 1910 and 1916, there were fixed by Roosevelt and the Roosevelt men certain truths on which American unity rests. Men in practice will still try to evade or override them. But they have been forged in the white heat of battle; they stand, and they are in the pages that follow—forever ready in time of need.

We men and women of this generation have seen the face of America change by the power of one man. Through the fields of life where lies our daily work run the deep furrows driven by that mighty leader in the hardening soil. His regenerating ploughshares tore the old turf, destroying the evil overgrowth. They broke up for us the soil into its original and vital fertility. It was the saving of opportunity for all American citizens: the restoration of our common equities, by which we are made one. Those great furrows run deep across our history from the time Colonel Roosevelt first became a national figure. Clean and straight from end to end, their lines of 1910 to 1914 were the logical and destined continuations of their courses first set by him when he was Governor and President.

Throughout all the path of his advance, there runs the preservative common sense of the statesman, who knows the human material with which he must build and draws his plans to it, never sacrificing the possible for the impossible.

The underlying motive of the man—so deep that it was rather an instinct than a formulated position—was this unity of America, the fabric of the commonwealth. He dealt with a unity, not superficial but profound—not merely between geographic sections, but a unity of spirit and the bases of life. Statesmanlike, he knew that there can be real unity in a democracy only if there is equality of opportunity, easy passage across all class boundaries, no accepted dividing line drawn on inequality of privilege, or any dividing line other than those self-contained in each man's own character and intellect.

He saw that only such essential unity can be enduring. All the details of his action, the specific policies that he stated, arise from this underlying purpose for the Union. The supremacy of

law and government; the destruction of unfair industrial advantage; the conservation of forest, mine, and water-power for the common use, were all factors of equality of opportunity, and he established them. The stern crushing of graft; the maintenance of order; the political liberation of the voter, were all to the same end, and were his doing.

Just beyond man's narrow daily vision stand the immortals. "*And Jehovah opened the eyes of the young man, and he saw; and, behold, the mountain was full of horses and chariots of fire about Elisha.*" At the front of this nation's way ride the strong guards of our own past, their authority immortalized by death. In the hour of decision we see them; their grave eyes watch us, the keepers of our standards, the builders of the state.

They come from God and do his bidding and return. To each of them the past has given his own great labor. The future we cannot see; nor what the next imperious task, nor who its strong executant. But for this generation its need was faced and fulfilled by one such master workman; in a time charged with disintegrating forces, Roosevelt wrought our unity, and now, in that high company, still rides on guard.

SOCIAL JUSTICE AND POPULAR RULE

THE CAMPAIGN OF 1910

I

THE RETURN OF THE LEADER[1]

I THANK you, Mr. Mayor, through you I thank your committee, and through them I wish to thank the American people, for their greeting. I need hardly say that I am most deeply moved by the extraordinary reception given to me. No man could receive such a greeting without being made to feel both very proud and very humble. I have been away a year and a quarter from America; I have seen strange and interesting things, alike in the heart of the frowning wilderness and in the capitals of the mightiest and most highly polished of civilized nations. I have thoroughly enjoyed myself, and I am more glad than I can say to get home, to be back in my own country, back among the people I love; and ready and eager to do my part, so far as I am able, in solving the problems which must be solved, if we of this, the greatest democratic Republic upon which the sun has ever shone, are to see its destinies rise to the high level of our hopes and its opportunities. This is the duty of every citizen; but it is peculiarly my duty, for any man who has ever been honored by being made President of the United States is thereby forever after rendered the debtor of the American people, and is in honor bound throughout his life to remember this as his prime obligation; and in private life, as much as in public life, so to carry himself that the American people may never have cause to feel regret that once they placed him at their head.

[1] Mr. Roosevelt's reply to Mayor Gaynor, of New York, on his return from Africa and Europe, June 18, 1910.

2

THE DOMINANT ISSUE[1]

THE Progressives are emphatically in favor of taking a real step forward about direct primaries, substantially on the lines of Governor Hughes's proposition, but this is not the main issue. The main issue is that we stand against bossism, big or little, and in favor of genuine popular rule, not only at the election but within the party organization, and above all, that our war is ruthless against every species of corruption, big and little, and against the alliance between corrupt business and corrupt politics, as to which it has been found that too often in the past the boss system has offered a peculiarly efficient and objectionable means of communication. We are against the domination of the party and the public by special interests, whether these special interests are political, business, or a compound of the two.

[1] Statement in the New York *Times* and other newspapers, August 27, 1910.

3

THE NEW NATIONALISM[1]

WE come here to-day to commemorate one of the epoch-making events of the long struggle for the rights of man—the long struggle for the uplift of humanity. Our country—this great Republic—means nothing unless it means the triumph of a real democracy, the triumph of popular government, and, in the long run, of an economic system under which each man shall be guaranteed the opportunity to show the best that there is in him. That is why the history of America is now the central feature of the history of the world; for the world has set its face hopefully toward our democracy; and, O my fellow citizens, each one of you carries on your shoulders not only the burden of doing well for the sake of your own country, but the burden of doing well and of seeing that this nation does well for the sake of mankind.

There have been two great crises in our country's history: first, when it was formed, and then, again, when it was perpetuated; and, in the second of these great crises—in the time of stress and strain which culminated in the Civil War, on the outcome of which depended the justification of what had been done earlier, you men of the Grand Army, you men who fought through the Civil War, not only did you justify your generation, not only did you render life worth living for our generation, but you justified the wisdom of Washington and Washington's colleagues. If this Republic had been founded by them only to be split asunder into fragments when the strain came, then the judgment of the world would have been that Washington's work was not worth doing. It was you who

[1] Speech at Osawatomie, Kan., August 31, 1910.

crowned Washington's work, as you carried to achievement the high purpose of Abraham Lincoln.

Now, with this second period of our history the name of John Brown will be forever associated; and Kansas was the theatre upon which the first act of the second of our great national life dramas was played. It was the result of the struggle in Kansas which determined that our country should be in deed as well as in name devoted to both union and freedom; that the great experiment of democratic government on a national scale should succeed and not fail. In name we had the Declaration of Independence in 1776; but we gave the lie by our acts to the words of the Declaration of Independence until 1865; and words count for nothing except in so far as they represent acts. This is true everywhere; but, O my friends, it should be truest of all in political life. A broken promise is bad enough in private life. It is worse in the field of politics. No man is worth his salt in public life who makes on the stump a pledge which he does not keep after election; and, if he makes such a pledge and does not keep it, hunt him out of public life. I care for the great deeds of the past chiefly as spurs to drive us onward in the present. I speak of the men of the past partly that they may be honored by our praise of them, but more that they may serve as examples for the future.

It was a heroic struggle; and, as is inevitable with all such struggles, it had also a dark and terrible side. Very much was done of good, and much also of evil; and, as was inevitable in such a period of revolution, often the same man did both good and evil. For our great good fortune as a nation, we, the people of the United States as a whole, can now afford to forget the evil, or, at least, to remember it without bitterness, and to fix our eyes with pride only on the good that was accomplished. Even in ordinary times there are very few of us who do not see the problems of life as through a glass, darkly; and when the glass is clouded by the murk of furious popular passion, the vision of the best and the

bravest is dimmed. Looking back, we are all of us now able to do justice to the valor and the disinterestedness and the love of the right, as to each it was given to see the right, shown both by the men of the North and the men of the South in that contest which was finally decided by the attitude of the West. We can admire the heroic valor, the sincerity, the self-devotion shown alike by the men who wore the blue and the men who wore the gray; and our sadness that such men should have had to fight one another is tempered by the glad knowledge that ever hereafter their descendants shall be found fighting side by side, struggling in peace as well as in war for the uplift of their common country, all alike resolute to raise to the highest pitch of honor and usefulness the nation to which they all belong. As for the veterans of the Grand Army of the Republic, they deserve honor and recognition such as is paid to no other citizens of the Republic; for to them the republic owes its all; for to them it owes its very existence. It is because of what you and your comrades did in the dark years that we of to-day walk, each of us, head erect, and proud that we belong, not to one of a dozen little squabbling contemptible commonwealths, but to the mightiest nation upon which the sun shines.

I do not speak of this struggle of the past merely from the historic standpoint. Our interest is primarily in the application to-day of the lessons taught by the contest of half a century ago. It is of little use for us to pay lip-loyalty to the mighty men of the past unless we sincerely endeavor to apply to the problems of the present precisely the qualities which in other crises enabled the men of that day to meet those crises. It is half melancholy and half amusing to see the way in which well-meaning people gather to do honor to the men who, in company with John Brown, and under the lead of Abraham Lincoln, faced and solved the great problems of the nineteenth century, while, at the same time, these same good people nervously shrink from, or frantically denounce, those who are trying to meet the problems of the twentieth century

in the spirit which was accountable for the successful solution of the problems of Lincoln's time.

Of that generation of men to whom we owe so much, the man to whom we owe most is, of course, Lincoln. Part of our debt to him is because he forecast our present struggle and saw the way out. He said:

"I hold that while man exists it is his duty to improve not only his own condition, but to assist in ameliorating mankind."

And again:

"Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration."

If that remark was original with me, I should be even more strongly denounced as a Communist agitator than I shall be anyhow. It is Lincoln's. I am only quoting it; and that is one side; that is the side the capitalist should hear. Now, let the working man hear his side.

"Capital has its rights, which are as worthy of protection as any other rights. . . . Nor should this lead to a war upon the owners of property. Property is the fruit of labor; . . . property is desirable; is a positive good in the world."

And then comes a thoroughly Lincolnlike sentence:

"Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."

It seems to me that, in these words, Lincoln took substantially the attitude that we ought to take; he showed the proper sense of proportion in his relative estimates of capital and labor, of human rights and property rights. Above all, in this speech, as in many others, he taught a lesson in wise kindliness and charity; an indispensable lesson to us of to-day. But this wise kindliness and charity never weakened his arm or numbed his heart. We cannot afford weakly to blind ourselves to the

actual conflict which faces us to-day. The issue is joined, and we must fight or fail.

In every wise struggle for human betterment one of the main objects, and often the only object, has been to achieve in large measure equality of opportunity. In the struggle for this great end, nations rise from barbarism to civilization, and through it people press forward from one stage of enlightenment to the next. One of the chief factors in progress is the destruction of special privilege. The essence of any struggle for healthy liberty has always been, and must always be, to take from some one man or class of men the right to enjoy power, or wealth, or position, or immunity, which has not been earned by service to his or their fellows. That is what you fought for in the Civil War, and that is what we strive for now.

At many stages in the advance of humanity, this conflict between the men who possess more than they have earned and the men who have earned more than they possess is the central condition of progress. In our day it appears as the struggle of freemen to gain and hold the right of self-government as against the special interests, who twist the methods of free government into machinery for defeating the popular will. At every stage, and under all circumstances, the essence of the struggle is to equalize opportunity, destroy privilege, and give to the life and citizenship of every individual the highest possible value both to himself and to the commonwealth. That is nothing new. All I ask in civil life is what you fought for in the Civil War. I ask that civil life be carried on according to the spirit in which the army was carried on. You never get perfect justice, but the effort in handling the army was to bring to the front the men who could do the job. Nobody grudged promotion to Grant, or Sherman, or Thomas, or Sheridan, because they earned it. The only complaint was when a man got promotion which he did not earn.

Practical equality of opportunity for all citizens, when we achieve it, will have two great results. First, every man will

have a fair chance to make of himself all that in him lies; to reach the highest point to which his capacities, unassisted by special privilege of his own and unhampered by the special privilege of others, can carry him, and to get for himself and his family substantially what he has earned. Second, equality of opportunity means that the commonwealth will get from every citizen the highest service of which he is capable. No man who carries the burden of the special privileges of another can give to the commonwealth that service to which it is fairly entitled.

I stand for the square deal. But when I say that I am for the square deal, I mean not merely that I stand for fair play under the present rules of the game, but that I stand for having those rules changed so as to work for a more substantial equality of opportunity and of reward for equally good service. One word of warning, which, I think, is hardly necessary in Kansas. When I say I want a square deal for the poor man, I do not mean that I want a square deal for the man who remains poor because he has not got the energy to work for himself. If a man who has had a chance will not make good, then he has got to quit. And you men of the Grand Army, you want justice for the brave man who fought, and punishment for the coward who shirked his work. Is not that so?

Now, this means that our government, National and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics. That is one of our tasks to-day. Every special interest is entitled to justice—full, fair, and complete—and, now, mind you, if there were any attempt by mob-violence to plunder and work harm to the special interest, whatever it may be, that I most dislike, and the wealthy man, whomsoever he may be, for whom I have the greatest contempt, I would fight for

him, and you would if you were worth your salt. He should have justice. For every special interest is entitled to justice, but not one is entitled to a vote in Congress, to a voice on the bench, or to representation in any public office. The Constitution guarantees protection to property, and we must make that promise good. But it does not give the right of suffrage to any corporation.

The true friend of property, the true conservative, is he who insists that property shall be the servant and not the master of the commonwealth; who insists that the creature of man's making shall be the servant and not the master of the man who made it. The citizens of the United States must effectively control the mighty commercial forces which they have themselves called into being.

There can be no effective control of corporations while their political activity remains. To put an end to it will be neither a short nor an easy task, but it can be done.

We must have complete and effective publicity of corporate affairs, so that the people may know beyond peradventure whether the corporations obey the law and whether their management entitles them to the confidence of the public. It is necessary that laws should be passed to prohibit the use of corporate funds directly or indirectly for political purposes; it is still more necessary that such laws should be thoroughly enforced. Corporate expenditures for political purposes, and especially such expenditures by public-service corporations, have supplied one of the principal sources of corruption in our political affairs.

It has become entirely clear that we must have government supervision of the capitalization, not only of public-service corporations, including, particularly, railways, but of all corporations doing an interstate business. I do not wish to see the nation forced into the ownership of the railways if it can possibly be avoided, and the only alternative is thoroughgoing and effective regulation, which shall be based on a full knowledge of all the facts, including a physical valuation of prop-

erty. This physical valuation is not needed, or, at least, is very rarely needed, for fixing rates; but it is needed as the basis of honest capitalization.

We have come to recognize that franchises should never be granted except for a limited time, and never without proper provision for compensation to the public. It is my personal belief that the same kind and degree of control and supervision which should be exercised over public-service corporations should be extended also to combinations which control necessaries of life, such as meat, oil, and coal, or which deal in them on an important scale. I have no doubt that the ordinary man who has control of them is much like ourselves. I have no doubt he would like to do well, but I want to have enough supervision to help him realize that desire to do well.

I believe that the officers, and, especially, the directors, of corporations should be held personally responsible when any corporation breaks the law.

Combinations in industry are the result of an imperative economic law which cannot be repealed by political legislation. The effort at prohibiting all combination has substantially failed. The way out lies, not in attempting to prevent such combinations, but in completely controlling them in the interest of the public welfare. For that purpose the Federal Bureau of Corporations is an agency of first importance. Its powers, and, therefore, its efficiency, as well as that of the Interstate Commerce Commission, should be largely increased. We have a right to expect from the Bureau of Corporations and from the Interstate Commerce Commission a very high grade of public service. We should be as sure of the proper conduct of the interstate railways and the proper management of interstate business as we are now sure of the conduct and management of the national banks, and we should have as effective supervision in one case as in the other. The Hepburn Act, and the amendment to the act in the shape in which it finally passed Congress at the last session, represent a long step in advance, and we must go yet further.

There is a wide-spread belief among our people that, under the methods of making tariffs which have hitherto obtained, the special interests are too influential. Probably this is true of both the big special interests and the little special interests. These methods have put a premium on selfishness, and, naturally, the selfish big interests have gotten more than their smaller, though equally selfish, brothers. The duty of Congress is to provide a method by which the interest of the whole people shall be all that receives consideration. To this end there must be an expert tariff commission, wholly removed from the possibility of political pressure or of improper business influence. Such a commission can find the real difference between cost of production, which is mainly the difference of labor cost here and abroad. As fast as its recommendations are made, I believe in revising one schedule at a time. A general revision of the tariff almost inevitably leads to log-rolling and the subordination of the general public interest to local and special interests.

The absence of effective State, and, especially, national, restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power. The prime need is to change the conditions which enable these men to accumulate power which it is not for the general welfare that they should hold or exercise. We grudge no man a fortune which represents his own power and sagacity, when exercised with entire regard to the welfare of his fellows. Again, comrades over there, take the lesson from your own experience. Not only did you not grudge, but you gloried in the promotion of the great generals who gained their promotion by leading the army to victory. So it is with us. We grudge no man a fortune in civil life if it is honorably obtained and well used. It is not even enough that it should have been gained without doing damage to the community. We should permit it to be gained only so long as the gaining represents benefit to the community. This, I know, implies

a policy of a far more active governmental interference with social and economic conditions in this country than we have yet had, but I think we have got to face the fact that such an increase in governmental control is now necessary.

No man should receive a dollar unless that dollar has been fairly earned. Every dollar received should represent a dollar's worth of service rendered—not gambling in stocks, but service rendered. The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relatively small means. Therefore, I believe in a graduated income tax on big fortunes, and in another tax which is far more easily collected and far more effective—a graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing rapidly in amount with the size of the estate.

The people of the United States suffer from periodical financial panics to a degree substantially unknown among the other nations which approach us in financial strength. There is no reason why we should suffer what they escape. It is of profound importance that our financial system should be promptly investigated, and so thoroughly and effectively revised as to make it certain that hereafter our currency will no longer fail at critical times to meet our needs.

It is hardly necessary for me to repeat that I believe in an efficient army and a navy large enough to secure for us abroad that respect which is the surest guaranty of peace. A word of special warning to my fellow citizens who are as progressive as I hope I am. I want them to keep up their interest in our internal affairs; and I want them also continually to remember Uncle Sam's interests abroad. Justice and fair dealing among nations rest upon principles identical with those which control justice and fair dealing among the individuals of which nations are composed, with the vital exception that each nation must do its own part in international police work. If you get into trouble here, you can call for the police; but

if Uncle Sam gets into trouble, he has got to be his own policeman, and I want to see him strong enough to encourage the peaceful aspirations of other peoples in connection with us. I believe in national friendships and heartiest good-will to all nations; but national friendships, like those between men, must be founded on respect as well as on liking, on forbearance as well as upon trust. I should be heartily ashamed of any American who did not try to make the American Government act as justly toward the other nations in international relations as he himself would act toward any individual in private relations. I should be heartily ashamed to see us wrong a weaker power, and I should hang my head forever if we tamely suffered wrong from a stronger power.

Of conservation I shall speak more at length elsewhere. Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us. I ask nothing of the nation except that it so behave as each farmer here behaves with reference to his own children. That farmer is a poor creature who skins the land and leaves it worthless to his children. The farmer is a good farmer who, having enabled the land to support himself and to provide for the education of his children, leaves it to them a little better than he found it himself. I believe the same thing of a nation.

Moreover, I believe that the natural resources must be used for the benefit of all our people, and not monopolized for the benefit of the few, and here again is another case in which I am accused of taking a revolutionary attitude. People forget now that one hundred years ago there were public men of good character who advocated the nation selling its public lands in great quantities, so that the nation could get the most money out of it, and giving it to the men who could cultivate it for their own uses. We took the proper democratic ground that the land should be granted in small sections to the men

who were actually to till it and live on it. Now, with the water-power, with the forests, with the mines, we are brought face to face with the fact that there are many people who will go with us in conserving the resources only if they are to be allowed to exploit them for their benefit. That is one of the fundamental reasons why the special interests should be driven out of politics. Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us, and training them into a better race to inhabit the land and pass it on. Conservation is a great moral issue, for it involves the patriotic duty of insuring the safety and continuance of the nation. Let me add that the health and vitality of our people are at least as well worth conserving as their forests, waters, lands, and minerals, and in this great work the national government must bear a most important part.

I have spoken elsewhere also of the great task which lies before the farmers of the country to get for themselves and their wives and children not only the benefits of better farming, but also those of better business methods and better conditions of life on the farm. The burden of this great task will fall, as it should, mainly upon the great organizations of the farmers themselves. I am glad it will, for I believe they are all well able to handle it. In particular, there are strong reasons why the Departments of Agriculture of the various States, the United States Department of Agriculture, and the agricultural colleges and experiment stations should extend their work to cover all phases of farm life, instead of limiting themselves, as they have far too often limited themselves in the past, solely to the question of the production of crops. And now a special word to the farmer. I want to see him make the farm as fine a farm as it can be made; and let him remember to see that the improvement goes on indoors as well as out; let him remember that the farmer's wife should

have her share of thought and attention just as much as the farmer himself.

Nothing is more true than that excess of every kind is followed by reaction; a fact which should be pondered by reformer and reactionary alike. We are face to face with new conceptions of the relations of property to human welfare, chiefly because certain advocates of the rights of property as against the rights of men have been pushing their claims too far. The man who wrongly holds that every human right is secondary to his profit must now give way to the advocate of human welfare, who rightly maintains that every man holds his property subject to the general right of the community to regulate its use to whatever degree the public welfare may require it.

But I think we may go still further. The right to regulate the use of wealth in the public interest is universally admitted. Let us admit also the right to regulate the terms and conditions of labor, which is the chief element of wealth, directly in the interest of the common good. The fundamental thing to do for every man is to give him a chance to reach a place in which he will make the greatest possible contribution to the public welfare. Understand what I say there. Give him a chance, not push him up if he will not be pushed. Help any man who stumbles; if he lies down, it is a poor job to try to carry him; but if he is a worthy man, try your best to see that he gets a chance to show the worth that is in him. No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load. We keep countless men from being good citizens by the conditions of life with which we surround them. We need comprehensive workmen's compensation acts, both State and national laws to regulate child labor and work for women, and, especially, we need in our common schools not merely education in book-learning,

but also practical training for daily life and work. We need to enforce better sanitary conditions for our workers and to extend the use of safety appliances for our workers in industry and commerce, both within and between the States. Also, friends, in the interest of the working man himself we need to set our faces like flint against mob-violence just as against corporate greed; against violence and injustice and lawlessness by wage-workers just as much as against lawless cunning and greed and selfish arrogance of employers. If I could ask but one thing of my fellow countrymen, my request would be that, whenever they go in for reform, they remember the two sides, and that they always exact justice from one side as much as from the other. I have small use for the public servant who can always see and denounce the corruption of the capitalist, but who cannot persuade himself, especially before election, to say a word about lawless mob-violence. And I have equally small use for the man, be he a judge on the bench, or editor of a great paper, or wealthy and influential private citizen, who can see clearly enough and denounce the lawlessness of mob-violence, but whose eyes are closed so that he is blind when the question is one of corruption in business on a gigantic scale. Also remember what I said about excess in reformer and reactionary alike. If the reactionary man, who thinks of nothing but the rights of property, could have his way, he would bring about a revolution; and one of my chief fears in connection with progress comes because I do not want to see our people, for lack of proper leadership, compelled to follow men whose intentions are excellent, but whose eyes are a little too wild to make it really safe to trust them. Here in Kansas there is one paper which habitually denounces me as the tool of Wall Street, and at the same time frantically repudiates the statement that I am a Socialist on the ground that that is an unwarranted slander of the Socialists.

National efficiency has many factors. It is a necessary result of the principle of conservation widely applied. In the end it will determine our failure or success as a nation. Na-

tional efficiency has to do, not only with natural resources and with men, but it is equally concerned with institutions. The State must be made efficient for the work which concerns only the people of the State; and the nation for that which concerns all the people. There must remain no neutral ground to serve as a refuge for lawbreakers, and especially for lawbreakers of great wealth, who can hire the vulpine legal cunning which will teach them how to avoid both jurisdictions. It is a misfortune when the national legislature fails to do its duty in providing a national remedy, so that the only national activity is the purely negative activity of the judiciary in forbidding the State to exercise power in the premises.

I do not ask for overcentralization; but I do ask that we work in a spirit of broad and far-reaching nationalism when we work for what concerns our people as a whole. We are all Americans. Our common interests are as broad as the continent. I speak to you here in Kansas exactly as I would speak in New York or Georgia, for the most vital problems are those which affect us all alike. The National Government belongs to the whole American people, and where the whole American people are interested, that interest can be guarded effectively only by the National Government. The betterment which we seek must be accomplished, I believe, mainly through the National Government.

The American people are right in demanding that New Nationalism, without which we cannot hope to deal with new problems. The New Nationalism puts the national need before sectional or personal advantage. It is impatient of the utter confusion that results from local legislatures attempting to treat national issues as local issues. It is still more impatient of the impotence which springs from overdivision of governmental powers, the impotence which makes it possible for local selfishness or for legal cunning, hired by wealthy special interests, to bring national activities to a deadlock. This New Nationalism regards the executive power as the steward of the public welfare. It demands of the judiciary that it shall

be interested primarily in human welfare rather than in property, just as it demands that the representative body shall represent all the people rather than any one class or section of the people.

I believe in shaping the ends of government to protect property as well as human welfare. Normally, and in the long run, the ends are the same; but whenever the alternative must be faced, I am for men and not for property, as you were in the Civil War. I am far from underestimating the importance of dividends; but I rank dividends below human character. Again, I do not have any sympathy with the reformer who says he does not care for dividends. Of course, economic welfare is necessary, for a man must pull his own weight and be able to support his family. I know well that the reformers must not bring upon the people economic ruin, or the reforms themselves will go down in the ruin. But we must be ready to face temporary disaster, whether or not brought on by those who will war against us to the knife. Those who oppose all reform will do well to remember that ruin in its worst form is inevitable if our national life brings us nothing better than swollen fortunes for the few and the triumph in both politics and business of a sordid and selfish materialism.

If our political institutions were perfect, they would absolutely prevent the political domination of money in any part of our affairs. We need to make our political representatives more quickly and sensitively responsive to the people whose servants they are. More direct action by the people in their own affairs under proper safeguards is vitally necessary. The direct primary is a step in this direction, if it is associated with a corrupt-practices act effective to prevent the advantage of the man willing recklessly and unscrupulously to spend money over his more honest competitor. It is particularly important that all moneys received or expended for campaign purposes should be publicly accounted for, not only after election, but before election as well. Political action must

be made simpler, easier, and freer from confusion for every citizen. I believe that the prompt removal of unfaithful or incompetent public servants should be made easy and sure in whatever way experience shall show to be most expedient in any given class of cases.

One of the fundamental necessities in a representative government such as ours is to make certain that the men to whom the people delegate their power shall serve the people by whom they are elected, and not the special interests. I believe that every national officer, elected or appointed, should be forbidden to perform any service or receive any compensation, directly or indirectly, from interstate corporations; and a similar provision could not fail to be useful within the States.

The object of government is the welfare of the people. The material progress and prosperity of a nation are desirable chiefly so far as they lead to the moral and material welfare of all good citizens. Just in proportion as the average man and woman are honest, capable of sound judgment and high ideals, active in public affairs—but, first of all, sound in their home life, and the father and mother of healthy children whom they bring up well—just so far, and no farther, we may count our civilization a success. We must have—I believe we have already—a genuine and permanent moral awakening, without which no wisdom of legislation or administration really means anything; and, on the other hand, we must try to secure the social and economic legislation without which any improvement due to purely moral agitation is necessarily evanescent. Let me again illustrate by a reference to the Grand Army. You could not have won simply as a disorderly and disorganized mob. You needed generals; you needed careful administration of the most advanced type; and a good commissary—the cracker line. You well remember that success was necessary in many different lines in order to bring about general success. You had to have the administration at Washington good, just as you had to have the administration in the field; and you had to have the work of the gen-

erals good. You could not have triumphed without that administration and leadership; but it would all have been worthless if the average soldier had not had the right stuff in him. He had to have the right stuff in him, or you could not get it out of him. In the last analysis, therefore, vitally necessary though it was to have the right kind of organization and the right kind of generalship, it was even more vitally necessary that the average soldier should have the fighting edge, the right character. So it is in our civil life. No matter how honest and decent we are in our private lives, if we do not have the right kind of law and the right kind of administration of the law, we cannot go forward as a nation. That is imperative; but it must be an addition to, and not a substitution for, the qualities that make us good citizens. In the last analysis, the most important elements in any man's career must be the sum of those qualities which, in the aggregate, we speak of as character. If he has not got it, then no law that the wit of man can devise, no administration of the law by the boldest and strongest executive, will avail to help him. We must have the right kind of character—character that makes a man, first of all, a good man in the home, a good father, a good husband—that makes a man a good neighbor. You must have that, and, then, in addition, you must have the kind of law and the kind of administration of the law which will give to those qualities in the private citizen the best possible chance for development. The prime problem of our nation is to get the right type of good citizenship, and, to get it, we must have progress, and our public men must be genuinely progressive.

4

THE REPUBLICAN RECORD AND POPULAR RULE[1]

WE come here feeling that we have the right to appeal to the people from the standpoint alike of national and State achievement. During the last eighteen months a long list of laws, embodying legislation most heartily to be commended as combining wisdom with progress, have been enacted by Congress and approved by President Taft. The amendments to the Interstate Commerce Law; the beginning of a national legislative programme for the exercise of the taxing power in connection with big corporations doing an interstate business; the appointment of a commission to frame measures that do away with the evils of overcapitalization, and of improper and excessive issue of stocks and bonds; the law providing for publicity of campaign expenses; the establishment of the maximum and minimum tariff provisions, and the exceedingly able negotiation of the Canadian and other treaties in accordance therewith; the inauguration of the policy of providing for a disinterested revision of tariff schedules through a high-class commission of experts which will treat each schedule purely on its own merits with a view both to protecting the consumer from excessive prices and to securing the American producer, and especially the American wage-worker, what will represent the difference of cost in production here as compared with the cost of production in countries where labor is less liberally rewarded; the extension of the laws regulating safety appliances for the protection of labor; the creation of a Bureau of Mines—these,

[1] Address as temporary chairman of the New York Republican State Convention at Saratoga, September 27, 1910.

and similar laws, backed up by executive action, reflect high credit upon all who succeeded in putting them in their present shape upon the statute-books; they represent an earnest of the achievement which is yet to come; and the beneficence and farreaching importance of this work done for the whole people measure the credit which is rightly due to the Congress and to our able, upright, and distinguished President, William Howard Taft.

Turning from the nation to the State, we find that during the term of service of Governor Hughes an extraordinary amount of wise and good legislation in the interest of all the people has been put upon the statute-books, and the standard of business integrity and efficiency in the management of the several State departments has been steadily raised. The legislature has passed, and the governor has signed, an act establishing the principle of compensation for injuries to working men in extrahazardous occupations, an act which I trust will steadily be widened in its application, and in connection with which the investigating commission is doing work of extraordinary value; acts requiring sanitary conditions in factories and safeguarding the employees, and limiting the hours of employment for minors; acts strengthening the semimonthly pay law, and providing for the regulation of employment agencies; acts strengthening and extending the provisions of the corrupt-practices law; strengthening the law against race-track gambling; providing for the protection of the forests and the creation of Palisades Park; providing for regulating motor traffic, for regulating telegraph and telephone companies, for effectually supervising insurance companies. For these, and for many similar laws, and for the executive action which made them effective, our thanks are due to the legislative body and to the unflinching resolution and fidelity to a high standard of duty of Governor Charles E. Hughes.

Of course, with a party so long in control of nation and State as ours has been, there have been individual instances of misconduct and corruption. But there is no need of any other

party raising the cry of "Turn the rascals out," for we have turned our own rascals out; and wherever rascality is found to exist in the future, we will be even more prompt to punish any one of our own party adherents than an adherent of another party, because we feel a peculiar responsibility in dealing with the man who not only degrades himself and the public service, but discredits our own party by belonging to it. Any man holding an executive or legislative position who is false to his oath of office, who is guilty of misfeasance or malfeasance, we hold to be a traitor to the whole people; and we have not permitted and will not permit any such man to remain in office where it is in our power to remove him.

I believe in the party to which we belong because I believe in the principles for which the Republican party stood in the days of Abraham Lincoln; and furthermore, and especially because I believe in treating those principles not as dead but as living. We best show our loyalty to the memory of Lincoln, and the principles for which Lincoln stood, not by treating it and them from the standpoint of historic interest in what is dead, but by treating them as vital, as alive to-day, and by endeavoring to meet the problems of the present, the new problems of our day, in exactly the spirit in which he and those associated with him met the new problems of their day. Empty glorification of our past amounts to less than nothing if we put it forward as an excuse for not doing our duty in the living present. The mighty memories of the past are of use only as they serve to spur us on to work in the present. We can deserve the confidence of the people, not by stating that our forefathers preserved the Union and freed the slaves, but by proving in deed, as well as in word, that we face the problem of dealing with political and business corruption, and of working for social and economic justice and for the betterment of the conditions of life and the uplifting of our people, with the same fervor and sincerity that Lincoln and his followers brought to the great tasks allotted to them in their day. I hold that we show ourselves the best servants of

our party when with all our might we strive to make that party the best servant of the people as a whole.

Our first duty is to war against dishonesty. We war against it in public life, and we war against it in business life. Corruption in every form is the arch-enemy of this Republic, the arch-enemy of free institutions and of government by the people, an even more dangerous enemy than the open lawlessness of violence, because it works in hidden and furtive fashion. We are against corruption in politics; we are against corruption in business; and, above all, and with all our strength, we are against the degrading alliance of crooked business and crooked politics, the alliance which adds strength to the already powerful corrupt boss and to the already powerful corrupt head of big business, and which makes them in their dual capacity enemies against whom every patriotic man should stand with unwavering firmness. Let no man say that this is an assault upon the honest business man. That is as foolish as to say that it is an assault upon the upright political leader. The extent of our veneration for the great name of Abraham Lincoln, a true servant of the people, measures also the extent of our abhorrence for the crooked boss who misleads and misgoverns and corrupts the people; and so the high regard in which we hold the upright and honest business man who reaps a great reward by rendering a great service to the community is the measure of our contempt and abhorrence for that business man, big or little, who wins success by corruption and fraud, who swindles the public instead of serving the public.

In short, our attitude is merely that we stand for honesty as well as for progressiveness and for efficiency; that we believe both business man and politician should be just and upright and honest as well as wise, courageous, and far-sighted. We are against crookedness in the small man, but we are against it just as strongly in the big man. We judge each man by his conduct, and not by his wealth or his social station; and we hold it to be our bounden duty to strive steadily to

make and to keep this great American Commonwealth as a true democracy, and steadily to endeavor to shape our legislation and our social conditions so that there shall be a far nearer approach than at present toward equality of opportunity among men. The corporation must be protected, must be given its rights, but it must be prevented from doing wrong; and its managers must be held in strict accountability when it does wrong; and it must be deprived of all secret influence in our public life. We must strive to do away with the social and economic injustice that have come from failing to meet by proper legislation the changed conditions brought about by the gigantic growth of our gigantic industrialism. We of this State must make it our business to help in efficient fashion the country districts, to shape matters so as to encourage the growth of the farming communities, and to help give the people in these communities the advantages which have come in disproportionate measure to the city rather than to the country during the industrial growth of the last fifty years. We must guard the interests of the wage-worker, the man who works with his hands; we must safeguard the woman who toils, and see that the young child does not toil. We must see that, by far-reaching legislation, the workman who is crippled, and the family of the workman who is killed in industry, are compensated, so that the loss necessarily incident to certain industries shall be equitably and fairly distributed instead of being placed upon the shoulders of those least able to bear them. We must make it a matter of obligation by the State to see that the conditions under which working men and women do their work shall be safe and healthful. So far as by legislation it is possible, we must strive to give to the working man the power to achieve and maintain a high standard of living. Finally, and as a matter of course, we must do everything possible to promote and conserve the business prosperity of the whole country.

We who come together to set the standard of our party have a grave responsibility to that party and to the public.

Democracy means nothing unless the people rule. The rule of the boss is the negation of democracy. It is absolutely essential that the people should exercise self-control and self-mastery, and he is a foe to popular government who in any way causes them to lose such self-control and self-mastery whether from without or within. But it must be literally self-control and not control by outsiders. We should at once introduce in this State the system of direct nominations in the primaries, so that the people shall be able themselves to decide who the candidates shall be, instead of being limited merely to choosing between candidates with whose nomination they have had nothing to do.

Our country offers the most wonderful example of democratic government on a giant scale that the world has ever seen; and the peoples of the world are watching to see whether we succeed or fail. We believe with all our hearts in democracy; in the capacity of the people to govern themselves; and we are bound to succeed, for our success means not only our own triumph, but the triumph of the cause of the rights of the people throughout the world, and the uplifting of the banner of hope for all the nations of mankind.

5

THE RIVAL PARTIES[1]

FRIENDS, I ask you to consider which of the two parties —I hesitate to use the word party about the coalition between Wall Street and Tammany Hall, but which of the two organizations you can afford to trust with the State government this year. Now the two organizations, the two parties, have held their State conventions. We held ours at Saratoga. It was a good lively convention. Now I was there and took part in it, and I got nothing out of that convention except what I fought for. I got it then only either by appealing to the conscience and reason of the delegates themselves and convincing them that what I asked was right, or else by their having become convinced that the people as a whole felt that what I was asking was what the people as a whole felt that they were entitled to. Those were the only terms on which I got anything at that convention. I won on most points; but there was not a point that I won on that I did not have to fight for, just as hard as I knew how. There were three great test votes. On each vote I gained men that I lost on the other votes and lost men that I gained on the other votes. I and the men associated with me won right straight in the open, in a convention as open as this hall is now with all the delegates there and every one looking on. Every argument we made was straight in the open, and I won only because I was able to persuade, and those with me were able to persuade, the bulk of the delegates that we represented the popular will, and that the people were behind us. There never was a convention fought out in which the fight was fought

[1] Speech at Elmira, N. Y., October 14, 1910.

more squarely on its merits, as regards the great majority of the people in the convention. We ended after a fair fight, with the men who were beaten with us, saying: "All right, you have got the bulk of the people with you; you whipped us fairly in the open; it is all straight."

It was as absolutely open a convention and it was as responsive to the popular will as any convention I have seen in my entire life in New York State. And in that convention we smashed our machine; we upset every boss and would-be boss; and we put the party on a basis of absolutely representing the people of this State. We represent the Republican voters and we represent the plain decent citizens, the men who make up the mass of our community. Now that is what we stand for.

We have shown by our deeds the truth of our words. We took as our candidate for governor, a man who had a record. I do not wonder that Mr. Murphy and Mr. Murphy's agent, Mr. Dix, disapprove of Mr. Stimson. He was an "agent of destruction";[1] an "agent of destruction" for the Sugar Trust. I appointed him district attorney of New York. It there became his duty, one of his many duties—all of them performed with the same signal ability and high fidelity to duty—to investigate frauds in the custom-house committed by the Sugar Trust. He carried the prosecution to a successful conclusion. He caused that great trust to restore to the United States huge sums of money. He secured the conviction of man after man, either agents of the Sugar Trust or disloyal public servants who, for a consideration, had betrayed the government to the trusts. He has not only talked against the trusts, he has been an "agent of destruction" for them. Now, I will cheerfully acquit Mr. Dix of all possibility of ever becoming an "agent of destruction" for any corporation that goes wrong.

[1] In the course of his speech of acceptance at Thomson, N. Y., on October 12th, Mr. John A. Dix, the Democratic candidate, said, referring to Mr. Roosevelt: "We have before us now what may be our only opportunity to stay the march of this agent of destruction and to restore to the country at large the business tranquillity and peace under which we have grown as no other country in the history of the world."

Now that is our platform and our candidate. That is what we stand for. Now, you compare that convention with the convention at Rochester. And here if you think that I am speaking in an exaggerated manner, I will ask you to turn back to the news columns of those Wall Street papers which are at the moment supporting the Tammany Hall ticket, the news columns of *The Times* and *The Evening Post, The World,* and *The Sun,* and other papers, describing the Rochester convention. Every sentence I say about that convention is contained in some of these papers.

It was a convention in the sense of the number of men gathered in a hall, but they did not represent any body, and least of all, did they represent themselves. There was no trouble in the convention at all because the convention didn't have to do anything except to find out what Mr. Murphy, the boss of Tammany Hall, wished, and then to do it. Mr. Murphy's headquarters were in a room in a certain hotel, No. 212, and the share of any delegate in the proceedings of that convention was limited to receiving occasionally, if he was marked out for either discipline or favor, the following message: "You are wanted in room 212." As one of the Wall Street papers now supporting Tammany Hall said: "The convention is in the hollow of Mr. Murphy's hand, and the candidates are all going hat in hand to him asking his favor."

Newspaper chronicles stated however that there were sixteen candidates for governor, and they mention that the other fifteen are supporting the fortunate person to whom Mr. Murphy threw his handkerchief. Sixteen candidates, where? Before the convention? Not at all. There was just one of them who had the nerve to go before that convention—Mr. Sulzer, and Mr. Sulzer got sixteen votes. He was the only man that went before the convention. Where were the other candidates? They were candidates not before the convention, but before Mr. Murphy. One of those candidates, Mr. Edward M. Shepard, with a somewhat striking lack of humor, has published a card expressing his fervent gratitude to the

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men who supported him in his efforts to be nominated governor. Well, where did they support him? Before the convention? Not at all. His name wasn't mentioned before the convention. They supported him in the private room—in room 212. The candidates were candidates before Mr. Murphy. They were candidates each nervously hoping to receive the message running: "You are wanted in room 212." That is how that convention was run. And when the hero in room 212 made up his mind to divulge who his choice was, the convention immediately ratified it. No one in the State was more surprised than the convention when it found it was to nominate Mr. Dix. It had not been consulted; it was not necessary to consult it. The convention was wanted in room 212. It came. And now Mr. Murphy's message to the people of the State of New York is: "You are wanted in room 212." Well, are you going? I don't think so.

It would be a sufficiently sinister portent if that were all, if all we had to fear was that the State should come into the grip of Tammany Hall, which has become a byword, not merely in our own country, but in every quarter of the civilized world, a byword of political corruption; it would be asking much of us to ask us to enthrone Tammany Hall, to enthrone the Democratic party in the State of New York, when, for the first time, it is absolutely subservient to one man, the boss of Tammany Hall. But that is not all. That is just half. The other half is Wall Street. Now, here again, I do not ask you to take anything I say; I ask you to look at the facts. There are in New York a number of big daily papers edited under the shadow of Wall Street, papers whose editorial policy is completely controlled by one or another of the groups of financiers whom we think of collectively when we speak of Wall Street. And by Wall Street, gentlemen, I do not mean the honest business man. The business man who wishes to rise only by his own industry does not care to get control in politics or to run a newspaper. He doesn't have to. His business is his business. All he wants is justice and he knows

he will get that. But take the big business which depends for success upon special privilege, that is, upon having to secure that to which it is not entitled and to which other people are entitled, that kind of big business desires to own politicians, desires to own newspapers. Congressman Fassett, in his introductory speech, impressed me very much when he spoke of how every city, great or small, during the last three or four decades has at one time or another suffered from the abuse of the intrenched power of privilege in the shape of street-railroads, water-works, manufactures—whatever the corporation might be. I have come two or three times in this State in contact with just such corporations that were trying to exploit cities by obtaining privileges to which they were not entitled, and almost always when a corporation like that has been powerful enough, as soon as I struck it, I at once found that there was some State senator, some State legislator—I am sorry to say, some judge—some board of supervisors, who at once made it evident by his or their action that they were the creatures of the corporation involved. I could name you half a dozen such cases; you doubtlessly would know some of them if I alluded to them.

Now, that has been done in each city of the country; it is done in New York on an enormous scale. The big Wall Street financiers of the type of which I am speaking, the men who are our embittered opponents to-night, own railroads, oil, mines, whatever it may be, and also own newspapers and magazines, and have owned legislatures, governors, and judges. Now our warfare, fundamentally, is to break up the alliance between crooked business and crooked politics. We would be the very first to insist that the corporation should have the rights to which it is entitled; it must have its rights. But it is not entitled to a vote and it is not entitled to own any man in public life. The richest man in the world is entitled to every right that the poor man has, but to no more. Now, I will fight for the rights of the richest man in the country just as quick as I will for the rights of the poorest man, provided

they are the same rights. In other words, we intend to do justice, and that is the precise reason why Wall Street supports Tammany Hall.

These papers that are owned in Wall Street have various superficial differences; each one has its own tastes, opinions, prejudices; and wherever Wall Street is neutral, the papers follow their several bents. But where, as in this case, Wall Street is vitally interested, the papers all come to heel. Every one of the papers to which I refer has been hostile to Tammany as long as Tammany was not identified with Wall Street. These papers are severe upon the iniquity of small politicians. They are very severe upon the iniquity of policemen. They are strong against the alliance between the captain of a precinct and the saloons in that precinct. They are shocked if aldermen accept a bribe on something unimportant; they are strong, in other words, against all the minor immoralities, and they will support a movement against the small politician unless that movement is aimed not only at the iniquities of the small politician, but at the iniquities of the crooked man of business. Then they will turn against them. Here in this State they have struck hands with Tammany Hall, and for the first time in our history, we see the cynically open alliance of the leaders of Wall Street and the boss and the sub-bosses of Tammany Hall.

Now, friends, the leaders of Tammany Hall and the leaders of Wall Street want the governor and the legislature, not from any reasons of sentiment; they want the governor and they want the legislature because they need them in their business. They are business people in Wall Street, and, in their own way, they are business people in Tammany Hall, and they've come together in a copartnership and they wish the governor and they wish the legislature. And the one thing they wouldn't allow the governor to be would be "an agent of destruction" for anything crooked in the world of big business. Mr. Dix need not be alarmed. If he were elected, he never would be an "agent of destruction" for Wall Street, and Tammany Hall

wouldn't let him. Whereas, if there is something crooked that needs destruction, no power on earth would prevent Harry Stimson from destroying it. Now, there we have the situation. It is perfectly simple. We have Tammany Hall and Wall Street going one way, as brothers; and that being so, my friends, it is pretty safe to say that it is in the interest of decent people to go the other way.

My friends, as I said at the beginning of my remarks tonight, there isn't any great genius needed to carry on our government well. We need ability, but it is the kind of ability that is common enough among average citizens, only it is the ability carried to a greater degree of perfection than the average man possesses. You want to have a man of ability just as you want to have a man of ability as the engineer of a first-class flying express-train. In the next place you want a man of honesty, and when I say "honesty" I do not mean merely that the man won't steal himself. I don't mean merely that kind of timid honesty which travels in blinders and if told that there is corruption on the right and left hand, says with nervous haste, "But I don't see it," because he can't see it. I mean truculent, aggressive honesty.

Now, I ask you to compare not only the candidates, but the forces behind the candidates that are up for election this fall. What man alive will speak of rugged honesty in the same breath with Wall Street and Tammany Hall without laughing? Now, I want you to think of that yourselves. What candidate can look you in the face and say: "We appeal to you in the name of honesty to support Tammany Hall and Wall Street"? He would have to have a good deal of self-command to keep his features straight if he did it. Now, isn't that so? Tammany Hall stands for crooked politics and Wall Street stands for crooked business, and they have struck hands, and, therefore, my friends, I ask your support for Stimson and the people associated with him, in the name of honesty, in the name of integrity, and because it is the highest duty of all the citizens of this State without regard to party, to come together

and destroy once for all, the most infamous combination that in my day we have seen in public life, the alliance between crooked business and crooked politics, symbolized and made evident by the union of Tammany Hall and Wall Street for the control of the State of New York.

6

BOSS OR LEADER, STATESMAN OR ENEMY OF PROSPERITY[1]

MR. CHAIRMAN, and you my fellow citizens, it not only gives me great pleasure to be here with you this evening, but it gives me a peculiar satisfaction to be introduced by Senator Hinman as he has introduced me. Senator Hinman has described perfectly accurately how and why I came into the fight this fall, and just what it meant.

It has been very amusing to me to read the accounts in the Wall Street press, about my having turned up as a boss and dictator at Saratoga, and of the evil designs that I have in consequence; and to see the steady effort made to show that for my own purposes, I had created the situation at Saratoga. I hadn't anything to do with creating that situation. It was created by Senator Hinman and his colleagues. It was Senator Hinman and those associated with him during the last four years who are entirely and solely responsible for my appearance at Saratoga. I didn't get them to get into the fight; they were in the fight. All I did was to follow them; as long as they were in it, I couldn't stay out of it. I got back from Europe after having had a middling lively eighteen months abroad, first in Africa and then in Europe, and I wanted to go home and be quiet. I didn't want to meddle in politics, and in a week I was sewed up, simply because the demand was made upon me not to desert the men who were fighting for decency, who were fighting for popular rule, and who were fighting for honesty in the high places in the political and financial world.

[1] Speech at Binghamton, N. Y., Oct. 24, 1910.

I didn't see how I could refuse to help the men who were warring fearlessly for righteousness.

These men that speak of me as a dictator know perfectly that they are saying what isn't the truth. People ask the difference between a leader and a boss. I will tell you. The leader holds his position, purely because he is able to appeal to the conscience and to the reason of those who support him, and the boss holds his position because he appeals to fear of punishment and hope of reward. The leader works in the open, and the boss in covert. The leader leads, and the boss drives.[1]

I had not one particle of influence at Saratoga, except such influence as came to me because it was believed that I represented the wishes of the people as a whole in their demand for what was honest and fair and that I was trying to bring a little nearer the day when justice and fair dealing should obtain as between man and man. I hadn't it in my power to reward a single human being, or to punish a single human being. Not one man who voted against me at Saratoga had anything to fear from me for so doing, and not one man who voted for me at Saratoga had anything to expect from me because of his support. I could not do anything for or against any man there in the way of tangible reward or tangible punishment. All I could do was to appeal to the conscience and to the reason of the average American citizen, and it was he who gave me any power that I possessed.

I am a private citizen. I haven't one particle of influence of any kind except what is mine because a certain number of people think I am square, think that I am honestly trying to do what I believe to be right for the people and because they wish me to do what I am doing with every ounce of power I have. So long as I can persuade you to do what I believe is for your interests and so long as you choose to support me, I have then whatever power you choose to give me, and no

[1] Mr. Roosevelt pointed out the distinction between the leader and the boss frequently during the course of the campaign. The statement included here for convenience was made in part in speeches delivered in Ithaca, Buffalo, and New York, as well as in Binghamton.

more. And I get any influence I have by coming before you and saying just what I believe ought to be done and trying to persuade you to do what I say.

Friends, they talk of my power: my power vanishes into thin air the instant that my fellow citizens who are straight and honest cease to believe that I represent them and fight for what is straight and honest; that is all the strength I have.

Now I ask each of you to judge from his own experience if I am not telling you the exact truth; Tammany Hall has contracts to give out and contracts to interfere with. Every man who has risen to prominence in Tammany Hall has risen by combining business and politics, and you all know that; even by combining the very worst kind of business with the very worst kind of politics; by combining a system of blackmail of those who cannot resist, with mutual payment and repayment of favors in connection with the great and the powerful. The bosses of Tammany Hall appeal to hope of reward and fear of punishment, and especially do they do that now when they have a certain element of Wall Street, the crooked element, as contrasted with the honest element of the business world, with them.

And now, gentlemen, my words are of value only as you sincerely believe—I will put it a little stronger than that—as you know that they represent what I feel, as they represent the facts. Think over what I say, and you will see that I am telling the literal truth and that I am giving a perfectly fair statement of whatever influence I exercised at Saratoga. I held a position of a certain prominence there, simply because Senator Hinman and these men like him felt that I was the man to put into the line. You have seen football games. Every now and then they call on a half-back or a full-back to get into the line. (*A voice—You made a grand rush.*) And I had good interference. I was simply called upon in that way.

And now, friends, our opponents raise the cry that I am a danger to prosperity. The cry was raised by Mr. Murphy's nominee for governor. His name is unimportant. It happens

to be Dix. It would have been whoever Mr. Murphy tossed his handkerchief to. Because you must remember that whereas the Saratoga convention was a real convention, and whereas the Saratoga convention represented the greatest triumph in a straight-out fight for clean and honest politics and genuine popular rule that we have seen in our generation in this State, the Rochester convention represented the very extreme development of the triumph of the boss system in our political life. And this convention, dominated absolutely by Mr. Murphy, and Mr. Dix, Mr. Murphy's nominee, and the great financiers in New York, who feel that their business is in jeopardy and who are supporting Mr. Murphy, because they and Mr. Murphy alike need the governor and the legislature in their business, those men state that I am an enemy of prosperity.

I hold in my hand a circular sent me by a Wall Street man the day before yesterday, the Wall Street man writing to me that there were plenty of honest men doing business in or near Wall Street who must not be confounded with what I may call the "ticker" crowd, with the men who either do a purely speculative business or who do a business based upon improper special privileges; and that those honest men were not with Murphy in this campaign. This correspondent of mine sent me the circular being sent out through Wall Street by the Tammany Hall campaign committee. This is a copy of it:

"Tammany Hall, Oct. 7, 1910.

"*Dear Sir:* The campaign upon which we have just entered is of supreme importance to the people of this city and State. More than any other campaign for years past, it will affect the business and financial interest of every person within the borders of the State."

Nothing is said about honest government you will notice; about whether this campaign will affect the honesty and moral standing of the legislature, or the moral standing of business. That doesn't come into the coalition of those signing the appeal. The letter continues:

"The Democratic party in this fight stands for tranquillity and business peace, and is opposed to the wild doctrines of Roosevelt."

One of those doctrines, one of those wild doctrines, being "Thou shalt not steal."

"And is opposed to the wild doctrines of Roosevelt, which would unsettle values, disturb business, and renew the panic from which the country suffered during his recent incumbency of the presidency."

Then comes the kernel of the matter:

"To defeat the Roosevelt policies, however, will require for purely legitimate expenses a large outlay of money."

And it is signed by various gentlemen of the campaign committee of Tammany Hall, including Mr. Charles F. Murphy.

Now, I think on one point this campaign circular of Tammany Hall and Wall Street is perfectly accurate, where it says that "To defeat the Roosevelt policies, however, will require a large outlay of money." I think that there Mr. Murphy's committee has told exactly the truth, and I think it entirely natural that they should send such a circular as this to the people to whom they send it, for in my judgment the policies for which we stand—call them the Roosevelt policies; they are the policies of the average decent man who is far-sighted —that to defeat those policies will require a large outlay of money. In my judgment they will require a larger outlay of money than all the money that Tammany Hall can collect from Wall Street.

I firmly believe we shall win this year, but if we don't we shall go straight on with the fight and we will win next time. We have got the Republican party now on as high a basis as the Republican party has been on in any State of the Union from the days of Abraham Lincoln to our own and we are going to keep it on that basis. The Republican party represents the people of the State of New York, and it does not represent crookedness, whether that crookedness takes the form of crooked politics or of crooked business. And Tammany Hall

—I ask you, if you doubt my word, whether this campaign circular doesn't prove that Tammany Hall in this contest stands for the coalition between crooked business and crooked politics? As it sets forth in this campaign circular, it does not stand for morality, it does not stand for honesty in politics. It does not stand for fair play and fair dealing as between man and man, for judging each man on his worth as a man, rich or poor, high or low; it stands for "tranquillity and business peace," no matter how obtained. It stands opposed to "the wild doctrines" of honesty. That is what it means. Those are the only doctrines I have preached. All that I have asked for is honesty only, nothing more anarchistic or disturbing than honesty. It does not stand for honesty, for the wild doctrines of Roosevelt, because those would unsettle values, and it states that to defeat those policies will require a large outlay of money.

Now, gentlemen, I would like to rest my case before the people of the State of New York on this single circular, issued by the campaign committee of Tammany Hall to the financiers in Wall Street. I would like to rest my case on that. But, gentlemen, they have spoken of me as the enemy of prosperity. Of what prosperity? I will tell you. I was an enemy to prosperity, of course, only through my appointee, through my subordinates, through my agents. That was the only way I could attack prosperity, and one of the agents of the attack was Harry Stimson. Mr. Stimson was an enemy to prosperity just exactly in the sense that a policeman is an enemy to prosperity when he recovers from a burglar the money that the burglar has taken out of a house. The policeman, of course, interferes with the prosperity of the burglar, and that may cause a shortage of income to the saloons in which the burglar would spend that money, and there may be just so much shrinkage of prosperity. And so with Mr. Stimson. He has caused a loss of prosperity to the very people whom it is vital should be made to feel by punishment that the laws are for the rich as well as for the poor. But he was an enemy to the pros-

perity of no human being unless that human being was a crook, unless that human being had done that which he ought not to have done. As governor, he will be a menace to no man who would not have had cause to fear him if he continued as district attorney. No man need be afraid of Stimson as governor, unless there is need that he should be afraid of the men who act like Stimson as district attorneys.

Friends, there is not an honest business man in the State who has anything to fear from Harry Stimson, as governor of the State of New York. There is not an honest corporation who could not count upon Harry Stimson's standing by that corporation if it act well, even though in a momentary outburst of misguided terror, the whole people of the State of New York should demand that improper action be taken against the corporation. I hold it the highest duty of the public servant to do justice to the people, and to secure justice for the people, and a public servant cannot secure justice for the people and do justice to the people unless he insists with an equally iron will upon seeing that justice is done by the people. No public servant can be trusted by the people to secure justice for them from corporations unless he is of the type that is equally certain to do justice to the corporations.

People speak as if what I demanded was revolutionary. What I demand is revolutionary only if you are willing to admit that the Decalogue and Golden Rule are revolutionary.

Do you think that Mr. Murphy and Mr. Murphy's backers really are afraid of the things they protest to be afraid of? Not a bit. They hope that they can through their Wall Street alliance, and don't misunderstand me, I am not talking of the honest men who are doing business in Wall Street, I am talking of the people whose operations have given Wall Street its name to the public at large—Mr. Murphy and his friends hope that through those alliances of theirs and Wall Street they will be able to terrorize the honest business community. I don't know how it is here in Binghamton, but in place after place through this State, I find that the local banker has

become influenced by the big banker in New York, or the big man in business whom he knows in New York, and has become a little afraid. He says: "Well, perhaps it would unsettle business to have Roosevelt get power." And you say: "Well, Roosevelt isn't getting power; it is Stimson." "Well, of course, but to have Stimson get power, then, would unsettle values."

Again, I would like to appeal to that kind of honest business man from two standpoints. In the first place, the alarm is absolutely baseless. It is absolutely without ground or warrant. These big men who are industriously trying to frighten the smaller business men, the honest business men, these big men know that what they say isn't true. They know that there isn't the slightest danger to business from us. But, friends, I meant to go further than that. If in order to get honesty in business and politics it were necessary to suffer a temporary business depression, I should certainly choose honesty even at the cost of the temporary depression. But it isn't necessary. I believe that nothing will tell for prosperity more than the election of Mr. Stimson. But if it were necessary, I should stand for temporary business depression if the result were that we put business affairs on a better and more permanent basis in the long run.

Mr. Hinman quoted what occurred in 1861, at the time when the Republican party first came into power. There are men in this audience wearing a button, which shows that they fought in the great war. They will remember well how in those days the Cotton Whigs, as they were called, certain men on the New York stock-market, certain men of big financial interest in the North, deprecated any talk of the injustice of slavery, deprecated even any talk of ever saving the Union, because it would unsettle values. You remember how that was done. The Cotton Whigs of that day used exactly the expression used by Mr. Murphy and his associates in their solicitation of contributions from Wall Street, which I read to you just now. They said, as Mr. Murphy now says, that

the policies for which we stand, the policies of honesty, will unsettle values. And the men of '61, who dreaded to see Lincoln stand for the preservation of the Union and for the enfranchisement of the slave, declined to consider anything but the monetary question. They put their pockets above national honor and national preservation. We don't have to make any such choice now. It is the idlest absurdity to say that the election of a man like Harry Stimson contains the slightest particle of menace to honest business. But, friends, if it were true, if dishonest business were so extensive that to war against the dishonesty would unsettle the business world, I should, nevertheless, appeal to every honest business man in exactly the spirit in which the men of Lincoln so appealed to the business men of the North, and I should say: "Stand for what is right; stand for it because it is right, and because your self-respect demands that you take that position."

Friends, I think that this is far more than a mere party contest. Not only have we a right to expect the support of every Republican, but we have the right to expect the support of every progressive and independent Democrat, or every independent of any shade of political belief. When you see Tammany Hall the embodiment of crookedness in politics, as the agent, ally, and master, the servant and master both, of the men who are crooked in finance, when you see all those going one way, it is the part of wisdom and the part of good citizenship for all honest and disinterested men to go the other way.

I ask you, therefore, for your support as I should ask for your support in any other crusade of righteousness. There never was a case, there never was in New York, not since the days of Tweed, an election where the issue was so clear-cut, so clearly drawn between honesty in politics and business on the one side and the worst combination we have ever seen of crooked politics and crooked business on the other.

NATIONALISM AND PROGRESS

A SERIES OF ESSAYS

1911

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PROGRESSIVE NATIONALISM; OR WHAT?

THOSE of us who believe in Progressive Nationalism are sometimes dismissed with the statement that we are "radicals." So we are; we are radicals in such matters as eliminating special privilege and securing genuine popular rule, the genuine rule of the democracy. But we are not overmuch concerned with matters of mere terminology. We are not in the least afraid of the word "conservative," and, wherever there is any reason for caution, we are not only content but desirous to make progress slowly and in a cautious, conservative manner. Moreover, ultraradicalism may be as hostile to real progress now as it was in Lincoln's day. Lincoln was a radical compared to Buchanan and Fillmore; he was a conservative compared to John Brown and Wendell Phillips; and he was right in both positions. The men and forces whom and which he had to overcome were those behind Buchanan and Fillmore; to overcome them was vital to the nation; and they would never have been overcome under the leadership of men like Brown and Phillips. Lincoln was to the full as conscientious as the extremists who regarded him as an opportunist and a compromiser; and he was far wiser and saner, and therefore infinitely better able to accomplish practical results on a national scale.

The great movement of our day, the Progressive National movement against special privilege and in favor of an honest and efficient political and industrial democracy, is as emphatically a wise and moral movement as the movement of half a century ago in which Lincoln was the great and commanding figure. But, thank Heaven, the present movement is free from

taint of sectionalism, and all good citizens, North and South, East and West, can stand shoulder to shoulder in advocating the basic principles on which the movement rests.

Of course the Progressive movement has some opponents whom we can have no expectation of converting. The dishonest man of swollen riches whose wealth has been made in ways which he desires to conceal from the law, and the politician who does not really believe in the right of the people to rule and who prefers to trust to corruption and class favoritism rather than to honesty and fair dealing in politics, are both naturally against us. Moreover, many men who, according to their lights, are sincere and honest, are yet so dominated by real or fancied self-interest as likewise to be against us. The rich man who has made his riches, not by lawbreaking, but by the profits of special privileges which the law should abolish, and who denies the right of government to regulate in the public interest the business use of corporate wealth; the man who puts property rights above human rights and denies the right of government to interfere with his business by guaranteeing to his laborers that they shall work under safe and healthy conditions and be compensated for loss of life or limb due to the dangers of their trade—these also, and the many like them, we must expect to exert their power against the Progressive movement.

There is thus one group composed of those who understand Progressive Nationalism and heartily approve it because they believe it tends toward the abolition of special privilege and of political corruption and toward the development of a genuine democracy; and another group composed of those who cordially fear and fight it because they wish to preserve special privilege and evade control. There is yet another group who are not in the movement because they *misunderstand* it. One of the most frequently advanced allegations about the movement, made for the purpose of discrediting it in the minds of good men who do not know the facts, is that it stands for "overcentralization" and for the destruction of States' rights.

Nothing could be further from the truth. The advocates of Progressive Nationalism will, I believe, agree with what I said on this question at Denver and Osawatomie last summer: "The State must be made efficient for the work which concerns only the people of the State, and the nation for that which concerns all the people. There must remain no neutral ground to serve as a refuge for lawbreakers, and especially for lawbreakers of great wealth who can hire the vulpine legal cunning which will teach them how to avoid both jurisdictions. It is a misfortune when the national legislature fails to do its duty in providing a national remedy, so that the only national activity is the purely negative activity of the judiciary in forbidding the State to exercise power in the premises. I do not ask for overcentralization; but I do ask that we work in a spirit of broad and far-reaching nationalism when we work for what concerns the people as a whole. We are all Americans. Our common interests are as broad as the continent. The National Government belongs to the whole American people, and, where the whole American people are interested, that interest can be guarded effectively only by the National Government."

The advocates of a Progressive Nationalism emphatically plead for efficient State action as well as for efficient national action. All they demand is that both State and national action be in the interest of, and not against the interest of, the people. The most efficient possible development of State power is not only not incompatible with but is likely to accompany the most efficient possible development of national power. Wisconsin offers the best case in point. Under the leadership of Senator La Follette, Wisconsin, during the last decade, has advanced at least as far as, and probably farther than, any other State in securing both genuine popular rule and the wise use of the collective power of the people to do what cannot be done by merely individual effort—the University of Wisconsin, by the way, playing a very important part in the movement. Yet this has in no way interfered with Wisconsin's hearty

support of the movement to make the national power in its sphere also more efficient.

The representatives and beneficiaries of the special interests desire, not unnaturally, to escape all governmental control. What they prefer is that popular unrest should find its vent in mere debate, in unlimited discussion of an academic kind as to the sanctity of contract, full liberty of contract, and other kindred subjects. They feel the need of construing the Constitution with rigid narrowness when property rights are involved, and of carrying the "division of power" theory to such an extreme as to deprive every governmental agency of all real power and responsibility. They prefer the *status quo,* for they know that the mass of conflicting judicial decision has created just what they wish, a neutral ground where State and nation each merely exercises the power of maintaining that the other has none. I wish to contrast with this position of the special interests the spirit and purpose of Progressive Nationalism. Its advocates desire to secure to both State and nation, each within its own sphere, power to give the people complete control over the various forms of corporate activity, and power to permit the people to safeguard the vital interests of all citizens, of whatever class. Again I ask the critics of Progressive Nationalism just what it is to which they object in the position of its adherents. If they do not approve of it, do they wish to leave things as they are? If not, what alternative do they propose?

8

NATIONALISM AND POPULAR RULE

IN Mr. Herbert Croly's "Promise of American Life," the most profound and illuminating study of our national conditions which has appeared for many years, especial emphasis is laid on the assertion that the whole point of our governmental experiment lies in the fact that it is a genuine effort to achieve true democracy—both political and industrial. The existence of this nation has no real significance, from the standpoint of humanity at large, unless it means the rule of the people, and the achievement of a greater measure of widely diffused popular well-being than has ever before obtained on a like scale. Unless this is in very truth a government of, by, and for the people, then both historically and in world interest our national existence loses most of its point. Nominal republics with a high aggregate of industrial prosperity, and governed normally by rich traders and manufacturers in their own real or fancied interest, but occasionally by violent and foolish mobs, have existed in many previous ages. There is little to be gained by repeating on a bigger scale in the western hemisphere the careers of Tyre and Carthage on the shores of the Mediterranean.

If there is any worse form of government than that of a plutocracy, it is one which oscillates between control by a plutocracy and control by a mob. It ought not to be necessary to point out that popular rule is the antithesis of mob rule; just as the fact that the nation was in arms during the Civil War meant that there was no room in the country for armed mobs. Popular rule means not that the richest man in the country is given less than his right to a share in the work of

guiding the government; on the contrary, it means that he is guaranteed just as much right as any one else, *but no more*—in other words, that each man will have his full share as a citizen, and only just so much more as his abilities entitle him to by enabling him to render to his fellow citizens services more important than the average man can render. On the other hand, the surest way to bring about mob rule is to have a government based on privilege, the kind of government desired not only by the beneficiaries of privilege, but by many honest reactionaries of dim vision; for the exasperation caused by such a government is sure in the end to produce a violent reaction and accompanying excesses. The Progressives, in fighting for sane and steady progress, are doing all they can to safeguard the country against this kind of unhealthy oscillation, of government by convulsion.

A number of Progressive conventions have recently enunciated the following among other principles as necessary to popular government:

"Drastic laws to prevent the corrupt use of money in politics.

"Election of United States senators by direct vote.

"Direct primaries for the nomination of elective officials.

"Direct election of delegates to national conventions, the voter to express his choice for President on the ballot for delegate.

"The introduction of the initiative, referendum, and recall."

In Oregon most of these principles are already law. The recent Republican State platform of Wisconsion has declared for all of these principles; and this declaration is entitled to very serious consideration, for Wisconsin has taken a leading position in Progressive legislation, and has to her credit a noteworthy record of laws for social, political, and industrial betterment, which laws have been proved in actual practice and have worked well.

Most Western Progressives, and many Eastern Progressives (including the present writer), will assent to these five

propositions, at least in principle. I do not suppose that there can be any dissent from the need of passing thoroughgoing acts to prevent corrupt practices. The movement for direct primaries is spreading fast. Whether it shall apply to all elective officials or to certain categories of them is a matter which must be decided by the actual experience of each State when the working of the scheme is tested in practice. There is a constantly growing feeling also in favor of the election of United States senators by direct popular vote. On this point, as indeed on most of these points, there is room for honest divergence of opinion, but I believe that the weight of conviction is on the side of those who would elect the senators by popular vote, and that the general feeling is inclining this way. The arguments made against such method of election are practically the same as the arguments originally made against the election of President by popular vote; and the electoral college was designed on precisely the same theory in accord with which it was supposed that the legislature rather than the people should be trusted to choose the best type of senator. Such change in senatorial elections would no more alter the fundamental principles of our government than they were altered by the change in presidential elections. At present, although the form of an electoral college is preserved, the vote for President is really a direct popular vote; and this absolute reversal in practice of the theory of the Constitution as regards the choice of the most important public officer in the land offers a curious commentary on the attitude of those who declaim against all change by practice in the construction of the letter of a written Constitution. Again, and for the same reason, it seems to me an admirable plan that there should be a direct election of delegates to national conventions, with opportunity for the voter to express his choice for President and Vice-President; although, of course, such latitude of action must be left to the delegate as to permit his exercising his own judgment if his first or second choice proves impossible. This is merely slightly to alter the present-day practice when

delegates are instructed by State and district conventions to vote for a given candidate.

The proposition that will excite most misgiving and antagonism is that relating to the initiative, referendum, and recall. As regards the recall, it is sometimes very useful, but it contains undoubted possibilities of mischief, and of course it is least necessary in the case of short-term elective officers. There is, however, unquestionably a very real argument to be made for it as regards officers elected or appointed for life. In the United States Government practically the only body to whom this applies is the judiciary, and I shall accordingly treat the matter when I come to treat of nationalism and the judiciary.

There remain the initiative and referendum. As regards both of these, I think that the anticipations of their adherents and the fears of their opponents are equally exaggerated. The value of each depends mainly upon the way it is applied and upon the extent and complexity of the governmental unit to which it is applied. Every one is agreed that there must be a popular referendum on such a fundamental matter as a constitutional change, and in New York State we already have what is really a referendum on various other propositions by which the State or one of its local subdivisions passes upon the propriety of action which implies the spending of money, permission to establish a trolley-line system, or something of the kind. Moreover, where popular interest is sufficiently keen, as it has been in the case of certain amendments to the National Constitution at various times in the past, we see what is practically the initiative under another name. I believe that it would be a good thing to have the principle of the initiative and the referendum applied in most of our States, always provided that it be so safeguarded as to prevent its being used either wantonly or in a spirit of levity. In other words, if the legislature fails to act one way or the other on some bill as to which there is a genuine popular demand, then there should unquestionably be power in the people through the initiative

to compel such action. Similarly, on any bill important enough to arouse genuine public interest there should be power for the people to insist upon the bill being referred to popular vote, so that the constituents may authoritatively determine whether or not their representatives have misrepresented them. But if it is rendered too easy to invoke either process, the result can be only mischievous. The same considerations which are more and more tending to make thoughtful people believe that genuine popular control is best exercised through the short ballot have weight here also. There are plenty of cases in which, on a given issue of sufficient importance, it is better that the people should decide for themselves rather than trust the decision to a body of representatives—and our present-day acceptance of this fact is shown by our insistence upon a direct vote of the State when the State adopts a new constitution. But ordinary citizens in private life—such as the present writer, and most of his readers—neither can nor ought to spend their time in following all the minutiæ of legislation. This work they ought to delegate to the legislators, who are to make it their special business; and if scores of bills are habitually presented for popular approval or disapproval at every election, it is not probable that good will come, and it is certain that the percentage of wise decisions by the people will be less than if only a few propositions of really great importance are presented. It is necessary to guard not only against the cranks and well-meaning busybodies with fads, but also against the extreme laxity with which men are accustomed to sign petitions. There was a curious instance of this trait at the recent elections in Cincinnati. Aside from the regular nominees, there was in one district a man nominated on petition. He had enough names put on the petition to insure his running, but at the election he got only about one-seventh as many votes as there were names on the petition. A much larger proportion of men should be required to petition for an initiative than for a referendum, but in each case the regulations both as to the number of names required and as to

additional guarantees where necessary should be such as to forbid the invocation of this method of securing popular action unless the measure is one of real importance, as to which there is a deep-rooted popular interest. Oregon has already tried the principle of the initiative and the referendum, and it seems to have produced good results—certainly in the case of the referendum, and probably in the case of the initiative. This, of course, does not necessarily mean that the principle would work well in all other communities, and under our system it is difficult to see at present how it could normally have more than a State-wide application. In Switzerland it has been applied both in the cantons, or states, and in the federal or national government, and it seems on the whole to have worked fairly well. Those who anticipate too much from the new system, however, would do well to study its workings in Switzerland. There have now and then been odd results. Recently by the use of the initiative a certain bill was proposed to the federal legislature. There was such a strong demand for its passage, as shown by the vote on the initiative, and by the general popular agitation, that the legislature passed it with but one dissenting vote. At the ensuing election the representative who had cast the dissenting vote was, because of having done so, beaten; but on the referendum the people defeated the measure itself! They demanded it on the initiative, all their representatives in the legislature with one exception voted for it on its passage, they beat the one man who had voted against it, and then on the referendum they defeated the bill itself.

Unquestionably an ideal representative body is the best imaginable legislative body. Such a body, if composed of men of unusual courage, intelligence, sympathy, and high-mindedness, anxious to represent the people, and at the same time conscientious in their determination to do nothing that is wrong, would so act that there would never come the slightest demand for any change in the methods of enacting laws. Unfortunately, however, in actual practice, too many of our legislative

bodies have not really been representative; and not a few of the ablest and most prominent men in public life have prided themselves on their ability to use parliamentary forms to defeat measures for which there was a great popular demand. Special interests which would be powerless in a general election may be all-powerful in a legislature if they enlist the services of a few skilful tacticians; and the result is the same whether these tacticians are unscrupulous and are hired by the special interests, or whether they are sincere men who honestly believe that the people desire what is wrong and should not be allowed to have it. Normally a representative should represent his constituents. If on any point of real importance he finds that he conscientiously differs with them, he must, as a matter of course, follow his conscience, and thereby he may not only perform his highest duty, but also render the highest possible service to his constituents themselves. But in such case he should not try to achieve his purpose by tricking his constituents or by adroitly seeking at the same time to thwart their wishes in secret and yet apparently to act so as to retain their good-will. He should never put holding his office above keeping straight with his conscience, and if the measure as to which he differs with his constituents is of sufficient importance, he should be prepared to go out of office rather than surrender on a matter of vital principle. Normally, however, he must remember that the very meaning of the word representative is that the constituents shall be represented. It is his duty to try to lead them to accept his views, and it is their duty to give him as large a latitude as possible in matters of conscience, realizing that the more conscientious the representative is the better he will in general represent them; but if a real and vital split on a matter of principle occurs, as in the case of a man who believes in the gold standard but finds that his constituents believe in free silver, the representative's duty is neither to abandon his own belief nor to try to beat his constituents by a trick, but to fight fairly for his convictions and cheerfully accept defeat if he cannot convert his constituents

to his way of thinking—exactly the attitude that the late Senator Lamar, of Mississippi, took once on this very question, and triumphed, and exactly the attitude that the late Congressman Dargan, of North Carolina, took, at the price of his political life.

Incidentally the referendum is certain to be of great use in a particular class of cases which very much puzzle the average legislator—where a minority of his constituents, but a large and influential minority, may demand something concerning which there is grave doubt whether the majority does or does not sympathize with the demand. In such a case the minority is active and determined; the majority can be roused only if the question is directly before it. In other words, the majority does not count it for righteousness in a representative if he refuses to yield to a minority; while a minority, on the other hand, will not tolerate adverse action. In such cases the temptation to the ordinary legislator is very great to yield to the demand of the minority, as he fears its concrete and interested wrath much more than the tepid disapproval of the majority. In all such questions the referendum would offer much the wisest and most efficient and satisfactory solution.

The opponents of the referendum and initiative, therefore, would do well to remember that the movement in favor of the two is largely due to the failure of the representative bodies really to represent the people. There has been a growing feeling that there should be more direct popular action as an alternative, not to the action of an ideal legislative body, but to the actions of legislative bodies as they are now too often found in very fact to act. The movement for direct popular government in Oregon, for instance, was in part the inevitable consequence of the gross betrayal of their trust by various representatives of Oregon in the national and State legislatures, and by the men put in appointive office through the exertions of these representatives. Moreover, the opponents, and, for the matter of that, the adherents likewise, of the proposed change, when they speak, whether in praise or in blame, of

its radicalism, would do well to remember that in one of the oldest and most conservative sections of the country there has existed throughout our national life, and now exists, a form of local self-government much more radical where it applies than even the initiative and referendum. I refer to the New England town meeting, at which all purely town matters are decided without appeal by the vote of the townspeople in meeting assembled. In no other part of the world, save in two or three cantons of Switzerland, and perhaps in certain districts of Norway, is there any form of government so absolutely democratic, so absolutely popular, as the New England town meeting. The initiative and referendum represent merely the next stage. The town meeting has been proved to work admirably as regards certain governmental units where the citizens are of a certain type. The initiative and referendum have been shown to work well as regards certain larger constituencies of a different type. The men living in States where the town meeting has flourished for centuries should be the last to feel that the initiative and referendum are in and of themselves revolutionary propositions.

On the other hand, the advocates of the initiative and referendum should, in their turn, remember that those measures are in themselves merely means and not ends; that their success or failure is to be determined not on *a priori* reasoning but by actually testing how they work under varying conditions; and, above all, that it is foolish to treat these or any other devices for obtaining good government and popular rule as justifying sweeping condemnation of all men and communities where other governmental methods are preferred. There is probably no class of men who ought to study history as carefully as reformers—except reactionaries, for whom the need is even greater. A careful study of eighteenth-century France ought to show the reactionary that the rejection, by the beneficiaries of special privilege, of wise and moderate progressiveness, like that of Turgot, inevitably tends to produce the most calamitous explosion; and, on the other hand,

the ultra-reformers will do well to ponder the harm done in their turn by the Jacobins, the inevitable reaction produced by their excesses, and especially by the queer attitude they assumed when they first deified the people and demanded the absolute rule of the people and then declined to submit to the judgment of the very people they had just deified because that judgment was not sufficiently favorable.

The initiative and the referendum are devices for giving better and more immediate effect to the popular will. If in any given State—Vermont, for instance, or Massachusetts, or New Hampshire, or New Jersey, or New York—the people are not now ready to adopt either, or even if they never become ready—why! that is their affair, and the genuinely Progressive leader will no more ostracize and read out of the company of Progressives a New England State which thinks it can achieve popular government without the referendum than he would read out some State in another part of the country because it has never adopted the town meeting. Personally, I should like to see the initiative and referendum, with proper safeguards, adopted generally in the States of the Union, and personally I am sorry that the New England town meeting has not spread throughout the Union. But I certainly do not intend to part company from other Progressives who fail to sympathize with me in either view, and I do intend to insist with all the strength I have that each device is a device and nothing more, is a means and not an end. The end is good government, obtained through genuine popular rule. Any device that under given conditions achieves this end is good for those conditions, and the value of each device must be tested purely by the answer to the question, Does it or does it not secure the end in view? One of the worst faults that can be committed by practical men engaged in the difficult work of self-government is to make a fetich of a name, or to confound the means with the end. The end is to secure justice, equality of opportunity in industrial as well as in political matters, to safeguard the interests of all the people, and work for a sys-

tem which shall promote the general diffusion of well-being and yet give ample rewards to those who in any walk of life and in any kind of work render exceptional service to the community as a whole. We do not want to produce a dead level of achievement and reward; we want to give the exceptional rewards, in the way of approbation or in whatever other fashion may be necessary, to the exceptional men, the Lincolns, Grants, Marshalls, Emersons, Longfellows, Edisons, Pearys, who each in his own line does some special service; but we wish so far as possible to prevent a reward being given that is altogether disproportionate to the services, and especially to prevent huge rewards coming where there is no service or indeed where the action rewarded is detrimental instead of beneficial to the public interest.

Ours is a government of laws, but every one should keep always before him the fact that no law is worth anything unless there is the right kind of man behind it. In tropical America there are many republics whose constitutions and laws are practically identical with ours, yet some of these republics have, throughout their governmental career, alternated between despotism and anarchy, and have failed in striking fashion at every point where in equally striking fashion we have succeeded. The difference was not in the laws or the institutions, for they were the same. The difference was in the men who made up the community, in the men who administered the laws, and in the men who put in power the administrators.

If we choose senators by popular vote instead of through the legislatures, we shall not thereby have secured good representatives; we shall merely have given the people a better chance to get good representatives. If they choose bad men, unworthy men, whether their unworthiness take the form of corruption or demagogy, of truckling to special interests or of truckling to the mob, we shall have worked no improvement. There have been in the past plenty of unworthy governors and congressmen elected, just as there have been plenty of bad

senators elected. Similarly, if the direct primary merely means additional expense without compensating advantage in wise and just action, the gain will be nil. At present there are cities where the direct primary obtains, in which, as far as I can see, the boss system is about as firmly rooted as in those cities where the direct primary has not been introduced. So with the initiative and the referendum. Vermont has neither; Oregon has both. In whichever State there is the less corruption and greater justice, in whichever State the elected representatives of the people are more upright, clean, and able, in whichever State the people are themselves wiser in action, more prompt to recognize and reward good service and fearlessness and independence in judge, governor, senator, or congressman, why, in that State we shall find the best government, wholly without regard to the particular device by which the government is obtained. If both States show equally well in these matters, why, it means that each has devised the instrument best suited for its own needs. It is folly not to adopt the new instrument if experience shows it to be an instrument which usually produces better results; and if we are convinced that it is a better instrument, then we should endeavor by reason and argument to get our neighbors to adopt it; but it is also folly to refuse to work with good men who are striving for the same progressive ends as we are, merely because these good men prefer older instruments than those which we believe to be best fitted for the purpose.

I believe in adopting every device for popular government which is in theory good and when the practice bears out the theory. It is of course true that each is only a device, and that its worth must be shown in actual practice; and it is also true that where, as with us, the people are masters, the most vital need is that they shall show self-mastery as well as the power to master their servants. But it is often impossible to establish genuine popular rule and get rid of privilege, without the use of new devices to meet new needs. I think that this

is the situation which now confronts us in the United States, and that the adoption in principle of the programme on which the Progressives, especially in the West, are tending to unite offers us the best chance to achieve the desired result.

9

NATIONALISM AND THE WORKING MAN

ONE of the prime objects which the Progressives have in view in seeking to secure the highest governmental efficiency of both the National and the State Governments is to safeguard and guarantee the vital interests of the wage-workers. We believe in property rights; normally and in the long run property rights and human rights coincide; but where they are at variance we are for human rights first and for property rights second. Lincoln phrased it in one of his homely anecdotes when he said, "We are for both the man and the dollar; but if we must choose between them, we put the man above the dollar"; and in a more formal speech, when he said: "Labor is the superior of capital, and deserves much the higher consideration."

In this matter, as in other matters, we know that the goal we have in view cannot be reached immediately, or by any one expedient. But our vision of the goal is distinct, and bit by bit we intend to realize this vision. We wish to reshape social and industrial conditions so that it shall no longer be possible for masses of men—still less, masses of women and children—to be worked for excessive hours, or under conditions disastrous to their health, or at their own personal risk to life and limb, or for a wage too small to permit the living of a self-respecting life. As to some of the evils which need curing we do not yet see the remedy, and must confine ourselves for the moment to a diagnosis. But as to others we do see the remedy, and we urge its immediate application.

At the outset let me make clear one point. I have no sympathy with any limitation of efficiency, no sympathy with any

provision which seeks to reduce the work of the high-grade man to the level of the low-grade man. The very fact that I so emphatically believe in the high dignity of manual labor, and desire to do all in my power to raise its position as compared with merely mental labor, gives the reason why I feel we should welcome high skill in manual labor, extreme efficiency therein, just as we recognize skill and efficiency in any form of mental labor. Unless there is pride in any line of work that work will never stand high in the popular estimation. If all that a man desires is to get through his job with the minimum of effort and skill on his part, then he will never have, because he will never deserve, the respect of his fellows. A couple of thousand years ago our ancestors ranked the smith as a fit companion for kings; but this was only possible provided that the smith felt that his work was of such a character that it behooved him to do it just as well as the king did his work. In modern times our aim should be to strive to bring about the same self-respect, the same power of inspiring respect in others, among the men who work with their hands as among lawyers or financiers or any other people. This, of course, means education on both sides. On the one hand, the community at large must have the right standards, must put the proper value on courage, address, perseverance, energy, physical power. My own personal feeling is one of hearty contempt for any man who fails to have this feeling. It has never been any effort on my part to respect the first-class railway man or blacksmith or carpenter or cow-hand as much as I respect a competent banker or lawyer; indeed, I have always felt a certain impatience with any one who does not admire physical address and daring; and there are many men who work with their hands among those whose judgment I desire on any question relating to the essential needs, social, political, and industrial, of our civilization. I do not mean that a man should limit himself simply to doing physical work, or adopt the principles of the well-meaning but unbalanced enthusiasts who would require every man always to do manual

work in addition to his other labor. Such conduct is not idealism but folly. I do mean, however, that, in my judgment, it is best, where possible, to combine physical and mental efficiency, and that the highest type of citizen is most apt to be a man who can thus combine them; and I mean, furthermore, that the high type of man who in driving an engine or erecting a building or handling deep-sea fishing-craft shows the necessary moral, intellectual, and physical qualities demanded by his task ought to be instantly accepted as standing upon as high a plane of citizenship as any human being in the community. But he can never stand on such a plane unless he regards his work with such devotion that he is not content to do less than his very best. He ought to join with his fellows in a union, or in some similar association, for mutual help and betterment, and in that association he should strive to raise higher his less competent brothers; but he should positively decline to allow himself to be dragged down to their level, and if he does thus permit himself to be dragged down, the penalty is the loss of individual, of class, and finally of national efficiency.

In order to raise the status, not of the exceptional people, but of the great mass of those who work with their hands under modern industrial conditions, it is imperative that there should be more than merely individual action. The old plea that collective action by all the people through the State, or by some of them through a union or other association, is necessarily hostile to individual growth has been demonstrated to be false. On the contrary, in the world of labor as in the world of business, the advent of the giant corporation and the very wealthy employer has meant that the absence of all governmental supervision implies the emergence of a very few exceptionally powerful men at the head and the stamping out of all individual initiative and power lower down. Unrestricted individualism in violence during the dark ages merely produced a class of brutal and competent individual fighters at the top, resting on a broad foundation of abject serfs below. Unrestricted individualism in the modern industrial world pro-

duces results very little better, and in the end means the complete atrophy of all power of real individual initiative, real individual capacity for self-help, in the great mass of the workers.

There must, therefore, be collective action. This need of collective action is in part supplied by the unions, which, although they have on certain points been guilty of grave shortcomings, have nevertheless on the whole rendered inestimable service to the working man. In addition, there must be collective action through the government, the agent of all of us.

Probably the chief obstacle in the way of taking such wise collective action lies in the mental attitude of those who still adhere to the doctrinaire theory of eighteenth-century individualism, and treat as a cardinal virtue the right to absolute liberty of contract—and of course, carried out logically, the theory of absolute liberty of contract simply means the legalization of all kinds of slavery. It is essential that the nation and the State should be able to forbid the exercise of that kind of pseudo-liberty which means the abridgment of real liberty. There has been a steady growth in these matters, and views which a century ago the courts accepted as almost axiomatic are now upset in decision after decision. The Supreme Court of the United States on January 3 last stated the case as regards liberty of contract as follows: "There is no such thing as absolute freedom of contract. The power of government extends to the denial of liberty of contract to the extent of forbidding or regulating every contract which is reasonably calculated to injuriously affect the public interest." The decision goes on to state that the power of the United States is absolute as regards regulating commerce between the States.

The right to regulate the conditions of labor for women and children has now been settled so authoritatively by the Supreme Court of the United States, and by most State courts, that it ought to be no longer regarded as open to serious discussion. Child-labor legislation in accordance with this principle is imperatively demanded from the National Government and

from most State governments, there being but a few of our States in which this regulation has gone far enough. It has worked admirably wherever it has been applied. As regards women, there should be strict regulation as to the number of hours they are allowed to be employed and as to the conditions of their work, both as regards cleanliness and surroundings. As yet no way has been devised by which the government can directly deal with the cases in which the wages paid are insufficient to sustain life under the conditions demanded by the woman's self-respect. I am well aware that this is a question fraught with the greatest difficulties, but it is imperative for us to face the fact that we are making a failure of our democratic experiment just to the extent that there exist large classes of people, and especially large classes of women, who work under conditions and for salaries such that they cannot retain their self-respect. No adequate remedy has yet been proposed. In all probability a great many remedies would have to be concurrently tried and adopted. But nothing is gained by blinking the fact that remedies are imperatively needed.

Indeed, we cannot afford to blink the fact as regards men any more than as regards women. The idle man is a curse to the community, and cannot be a good citizen. But neither can the man who is exhausted by incessant and excessive toil be a good citizen. Men who work thirteen hours a day, including Sunday, week in and week out, simply have not the opportunity to develop themselves or to produce the kind of citizenship which it is absolutely essential for a democracy to possess if it intends to remain a real democracy. The eight-hour day is an ideal toward which we should strive to attain. We should apply it wherever the government has power, and should consistently endeavor to help in its achievement in private life.

In nation and State alike there should be far-reaching and comprehensive legislation to guarantee safe and healthy conditions for the workmen while at work. In both these re-

gards the workman should not be left to fight for his own interests, and should be explicitly forbidden from making contracts which would imperil these interests. His protection in the place where he works, and his right to compensation if injured, should be guaranteed by the laws of the land. If one of the machines owned by an employer is damaged, the employer has to pay for the damage; and if the man who runs it is hurt, it is just as much the duty of the employer to compensate him as it is to repair the machine. In each case those who use the product will in the end, and quite properly, pay for the damage.

In this matter we are far behind most other civilized countries. It is humiliating to think that until very recently we had done nothing whatever to regulate such an industry as that of the manufacture of poisonous matches, and that even yet we have to struggle against that attitude of mind which has shown itself among those judges who have decided against workmen's compensation laws on the ground that they interfere with liberty of contract. The railway employees on any railway doing interstate business can be guaranteed their rights only by the action of the Federal Government, and no greater wrong can be committed against labor than the wrong committed by those who, on the bench or in the legislatures, seek to prevent the Federal Government from having full power in this matter. The Federal Government should pass drastic compensation laws as regards its own employees, and as regards all wage-workers employed in connection with interstate commerce. But as regards labor the field of action is wider for the State governments than for the Federal Government. The legislators in the several States should see to the abolition of the sweat-shop system everywhere; they should secure to the laboring man release from employment for one day in seven; they should secure far-reaching and thoroughgoing workmen's compensation acts, and acts providing for the sanitary inspection of factory, workshop, mine, and home; they should pro-

vide suitable and plentiful playgrounds for children in all the cities; they should rigidly supervise the conditions of tenement-house life, should pass and enforce rigid anti-child-labor laws and laws limiting women's labor.

Wages and other most important conditions of employment must remain largely outside of governmental control and be left for adjustment by free contract between employer and employee, with the important proviso that there should be legislation to prevent the conditions that compel men and women to accept wages that represent less than will insure a decent living. But the question of contract between employer and employee should not be left to individual action, for under modern industrial conditions the individual is often too weak to guard his own rights as against a strongly organized body or a great capitalist. In the present state of society, and until we advance much farther than at present along lines of genuine altruism, there must be effective and organized collective action by the wage-workers in great industrial enterprises. They must act jointly through the process of collective bargaining. Only thus can they be put upon a plane of economic equality with their corporate employers. Capital is organized, and the laborer can secure proper liberty and proper treatment only if labor organizes also. It is, I trust, unnecessary to say that the most emphatic recognition of this need does not mean any condonation of whatever is evil in the practices of labor organizations. Labor organizations are like other organizations, like organizations of capitalists; sometimes they act very well, and sometimes they act very badly. We should consistently favor them when they act well, and as fearlessly oppose them when they act badly. I wish to see labor organizations powerful; and the minute that any organization becomes powerful it becomes powerful for evil as well as for good; and when organized labor becomes sufficiently powerful the State will have to regulate the collective use of labor just as it must regulate the collective use of capital. Therefore the very success of the effort we are

making to increase the power of labor means that among labor leaders and among other citizens there must be increased vigilance and courage in unhesitatingly rebuking anything that labor does that is wrong.

10

NATIONALISM AND THE JUDICIARY

I

AN even more appropriate heading for this article would be "Nationalism; and Law, Order, and Justice." The first requisite for the welfare of any community is justice; not merely legal justice, but ethical justice, moral justice, the kind of justice meant by the ordinary man when he says that he wishes fair play or a square deal. In order to get this justice it is absolutely necessary that there should be order; and there can be no order unless there is law, and unless the law is rigidly and honestly enforced. Crimes of greed and violence and crimes of greed and cunning must alike be repressed, for it makes no difference what form wrong-doing takes so long as it is wrong-doing; and important though it is to have good legislative and executive officers, it is even more important to have an upright, fearless, and independent judiciary, bent with whole-hearted and intelligent zeal upon serving the interests of all the people.

Justice is based upon law and order, and without law and order there can be no justice. The triumph of disorder and lawlessness is certain in the end to mean not only the undoing of the reputable rich but the undoing of the reputable poor; and indeed the undoing of everybody, reputable or disreputable, for not even scoundrels can permanently flourish in a society in which the conditions have passed a certain degree of anarchy. But it must never be forgotten that law and order are not in themselves ends, but means toward obtaining justice. When order reigned in Warsaw, it meant not justice but the nega-

tion of justice. The terrible atrocities of Kishenev were due, primarily, not to lawlessness, but to the fact that those who had the power used it for the destruction of the helpless. The Jew in Russia and the Armenian in Turkey have had to dread cruel oppression at the hands of the exponents of the law quite as much as from violent lawbreakers. Without law and order there can be no permanent justice; but law and order are good only when used to bring about such justice.

Now, the above is an elementary proposition. It is so elementary that it is difficult to controvert. Nevertheless, in practice here in our own country there are multitudes of men who wholly ignore it, and who persist in making a fetich of the instrumentalities for obtaining justice through law and order, instead of treating them on their merits as instruments of greater or less worth. For instance, when a big corporation gets involved in a strike with a big labor-union, the corporation at once demands that order be maintained, while the union is apt to protest against any practical steps to maintain order. As a matter of fact, the duty of the government is clear. It should first restore order. So far, the corporation is heartily in favor of government interference, of the use of the collective power of the people. But as soon as order has been restored—that is, as soon as the collective power of the people has been exerted to suppress violence directed against the property or persons of certain members of the community—the heads of the corporation are apt to insist (as in the 1902 coal strike, for instance) that the whole duty of the government is at an end, and that any inquiry into the rights and wrongs of the controversy is an outrage on private initiative, private right and judgment. As a matter of fact, in many such cases the duty of the government has only begun. It should not refrain from restoring and enforcing order because of any protest of the labor people, but neither should it refrain from full inquiry into the facts, and from acting so as to bring about justice, because of any protest on the part of the capitalists. In every such conflict of labor and capital there is a third party

in interest, the public; and when the public, through the governmental authorities, has to use the collective power of the people to restore order, that fact is of itself full and complete proof that, even if only for preventing recurrence of disorder, it is its further duty to use the collective power of the people for the purpose of finding out the facts and enforcing justice. Yet the very men who, when the general proposition is enunciated as above, say that it is a mere truism, a mere platitude, violently oppose its application in concrete instances, such as that of the coal strike in 1902.

So it is with the judiciary. In the abstract, very few people will deny that the judge should be the servant of the people, and that in order to be a good servant of the people he must be wise, upright, and independent. But in practice, and when concrete instances are involved, the proposition is apt to be indignantly repudiated, now by people actuated by one set of reasons, now by people actuated by a directly opposite set of reasons; and, moreover, the same men sometimes on successive occasions take both of these two diametrically opposed positions. A judge cannot be a good judge, and therefore he cannot be a good public servant, if he is required to render every decision in accordance with what popular opinion at the moment, with or without reason, may desire. Too often the very men who most loudly praise a judge for being independent so far as pressure by the great special interests is concerned are furious in their denunciation of him when he shows the slightest independence in the face of a gust of mob feeling, or of popular feeling which, though it does not take the mob form, is equally unwise and unjust. And the converse is no less true. That portion of the daily press which is controlled by the special interests, and particularly that portion of the New York City daily press which is responsive to Wall Street sentiment, has come to regard the judiciary as in a special sense the bulwark of property; and inasmuch as the special interests naturally put property rights above popular rights, their representatives in the press make it their particular concern to

extol those judges who take the same view. They are therefore very severe in their denunciations of any man who has anything to say in criticism of a judicial decision which favors property rights and is against popular rights. But if the decision is the other way, the same papers and individuals immediately reverse their former attitude and themselves become the most violent and bitter critics of the judge. The very New York papers, for instance, which on most occasions when they treat of this subject insist that any criticism of a judicial decision is subversive of the foundations of law and order and destructive of republican institutions, were the most violent critics of Judge Landis when he inflicted what they regarded as an excessive fine on the Standard Oil Company, and of Judge (now Mayor) Gaynor when they disapproved of his attitude on the five-cent-fare bill. Criticism, entirely temperate, of a decision which deprived the United States Government of its constitutional right to control and regulate interstate commerce, or which deprived the people of the State of New York of the right to regulate the hours of working men engaged in unhygienic occupations, was treated as an assault on the foundations of the Republic by the same men who exhausted the resources of vituperation in assailing Judges Landis and Gaynor.

These same men and papers are always prompt to speak with horror of the utterances of labor leaders against the courts. As to certain tirades of labor leaders against the courts, I most cordially agree with them. But the worth of their protests from the standpoint of principle may be gauged by the fact that they pass over in silence utterances such as that of a great railway president, one of the half-dozen biggest financial men in this country, when, a few years ago, in speaking of a court decision, he said: "Decision or no decision, the men who own this stock will do with it as they please. The courts decide a great many things about which they know nothing. This is one of them. No court can run our property." Now capitalist and labor leader alike should be held to the same

course of conduct. Both must obey the law; and, on the other hand, each has the right temperately and truthfully to point out where a given interpretation of the law by a given man works injustice.

Of course the trouble in these cases is not in securing theoretical acquiescence in statements of general principles of morality, but in securing practical acquiescence in the attempt to apply these principles to concrete cases. Very few politicians or business men, very few newspaper or magazine editors, would publicly announce their disbelief in the Decalogue; and yet, while it is undoubtedly true that there are plenty of politicians, business men, and newspaper and magazine editors who try their honest best to live up to the Decalogue, it is equally true that there are plenty of all classes who treat either the eighth or the ninth commandments, or both of them, as having no practical application to the facts of daily life. So it is when we come to deal with law, order, and justice. So it is when we come to deal with our judicial system and with the judges themselves. On the one hand, the very men who by their actions seek to degrade the judiciary into the position of a servile register of the popular whim of the moment will cheerfully render lip-loyalty to the theory that a judge should be upright and independent. On the other hand, the very men who strive hardest to prevent the judge from being a real popular servant, and who wish, on the contrary, to make him an instrument for defeating the popular will in the interests of a special class, are always loudest in their assertion that they are really championing the cause of popular rights. The men whose patriotism is really rational and sincere, the men who really believe in the just rule of the people, and neither in the selfish rule of a plutocracy nor the selfish rule of a mob, stand as equally opposed to the extremists of both classes. Here, again, the wise men to-day are those who on this question stood as Lincoln stood toward the questions of his day. It is simple and easy to take a place among extreme fanatics, either of radical reaction or of radical advance, just as it was easy enough

in Lincoln's day to be either a Copperhead who demanded that slavery should not be disturbed and declared the war a failure, or an Abolitionist who took the view that John Brown was morally justified in endeavoring to start a slave insurrection and that Lincoln was a time-server whose timidity and indecision were ruining the cause of freedom. But it was an immensely difficult thing actually to work as Lincoln worked, as Oliver P. Morton worked, as the Union men in Kentucky worked, so as ultimately to bring about both the preservation of the Union and the abolition of slavery. We who believe in popular rule, who hold that this government has no justification for its existence unless the well-considered and deliberate purpose of the people is ultimately to prevail, are no less bound to insist that unless the people themselves in the long run desire justice and act with wisdom and self-restraint and self-mastery they will bring themselves to ruin; and therefore we feel that, so far as the wisdom of man can avail, the system should be such as to make the judge ever keep in mind his duty to the public, his duty to act as a representative of the permanent popular will; while it is even more important that the public in its turn should realize that it cannot in the long run receive the highest service unless its servants are independent and fearless and deeply conscientious, no less than possessed of understanding of and sympathy with popular needs and desires.

II

One of the most admirable features of our constitutional system is the high position which it gives to the judiciary. In no other country in the world have the judges possessed or exercised the enormous influence upon the constitutional and institutional growth of society that they have here exercised. This is particularly true of the national judiciary, and therefore of its head, the Supreme Court. It would be hard to overstate the debt due by the American people to the bench, national and State, and hardest of all to overestimate the debt due to the

Supreme Court. The three men to whom throughout our national history we as a people owe most are two Presidents, Washington and Lincoln, and one chief justice, Marshall. Marshall is the one man whose services to the nation entitle him to be grouped with the two great Presidents, and he owes this to the fortunate fact that not only did he as a man deserve to rank with them as men, but that his office as an office deserved to rank, and did rank, with the great offices which they held. The office of chief justice is, under some circumstances, as great an office as that of President, and at all times comes second only to it in importance. And the man who fills that office is, like the President, the representative of all the people, and is entitled to their respect and support. Moreover, I believe it to be true that, taken as a whole, the judges of the country are, and have been, more useful public servants than any other public men. A wise and upright judge can render, and does render, in the long run, rather better service than can be rendered even by the right type of executive or legislative officer; and I believe that we find a larger proportion of men who reach the proper official standard among judges than among the members of any other class of public servants.

Yet, while not merely granting that this is the fact, but insisting upon it, it remains true that the judges are public servants just as other officials are, that they are, or should be, responsible to the public just as other officials are (for it is idle to call a man a servant of the public unless he is responsible to the public,) and that therefore there should be criticism of them just as of other officials. In the case of judges it is even more essential than in the case of other public officials that the criticism should be wise and temperate, and, above all, that it should be absolutely truthful. I very seriously question whether, on the whole, we do not suffer in our public life quite as much from unjust assault upon upright public servants as from failure effectively to assault corruption and its exponents. Many newspapers and many magazines, sometimes because they are controlled by the special interests, and

quite as often because they are seeking to capitalize sensationalism and to turn to commercial advantage the literature of exposure, have done, and are doing, all they can to degrade public life by practising every species of reckless sensational and hysterical mendacity at the cost of reputable public servants. It makes not the slightest difference whether this form of falsehood is practised because the writer is hired, directly or indirectly, by some special interest, or whether he is merely recklessly bent upon gaining money or notoriety by sensational slander; it makes no difference whether he is a cultivated man actuated by sour envy, or a crude fanatic who, in the name of conscience, is willing to perpetrate outrages upon conscience; and, finally, it makes little difference as to what particular class of public servant he assails. The infamy lies in the deed itself. The man who violates the ninth commandment and bears false witness against his neighbor stands on as low an ethical plane as the man who violates the eighth commandment and steals from that neighbor. To destroy the confidence of the people in the uprightness of upright judges is only a degree worse than to destroy their confidence in the uprightness of any other upright officials. Emphasis, however, must be laid on the uprightness, on the decency, on the ability and willingness to serve the public, so far as the official is concerned, rather than upon the office which he holds. It is impossible adequately to honor the faithful public servant unless we discriminate in the sharpest possible fashion between him and the unfaithful public servant; and all sense of such discrimination, all sense of proportion, is equally lost, whether we confound the honest and the dishonest, the competent and the incompetent, in indiscriminate praise or in indiscriminate abuse.

With judges there should be even more care exercised than ought to be exercised as regards other public men. But there must be criticism. With the judge, as with other public men, it is undoubtedly ruinous to follow the unfortunately prevalent custom of paying heed simply to the debit and not also to the

credit side of the account between the public servant and the public. There is altogether too much tendency to pay more attention to punishing than to rewarding public service, altogether too much tendency to omit entirely the sum of the man's good qualities and think only of his mistakes or shortcomings; a tendency which inevitably results in pushing forward weak nonentities simply because the nonentity rarely does anything either good or bad, while the strong man, however good, is sure, if he has had a long career of successful achievement, to have his record of good deeds interspersed with occasional failures and mistakes. Therefore, in all but wholly exceptional cases, the judge, like any other public servant, should be judged by his record as a whole, not by his record on some particular matter. Moreover, in the case of the judge, in those instances where he acts simply as an umpire trying to do justice between individuals, very great caution should be exercised in criticising his decision. In a great many cases of this kind there is certain to be room for wide divergence of opinion as to any decision rendered, and it is therefore necessary to accept from the outset the view that the judge's decision on such questions should not be criticised—unless in a long series of decisions his attitude is such as to create a real presumption of moral or intellectual unfitness for his task.

The case is wholly different when the judge decides what in its essence is not a mere question between individuals but a question affecting fundamental policy. The proper attitude as regards this latter class of cases has been admirably set forth by a justice of the supreme court of the State of New York, the Honorable Cuthbert W. Pound (in commenting on my remarks on the Bakeshop Case):

"Confidence in our courts does not require that their decisions on economic questions shall be regarded as binding rules of political conduct on such questions.

"When Lincoln, in the debates with Douglas, argued that the decision of the Supreme Court of the United States in the

Dred Scott case, which protected the rights of the slaveholder in the Territories, should be set aside by the people at the polls . . . [he was] not assailing decisions of judges on questions of private right, but discussing the action of statesmen on matters of governmental power.

"So long as our courts exercise this power to pass upon the constitutionality of statutes which reflect legislative policy on matters affecting the common good, so long will the principles of government underlying their decisions in such cases be subject to debate."

There spoke the true public servant, the public servant proudly conscious of his own integrity and his own desire and ability to serve the public, and resolute in his refusal to shelter himself, under any plea, from legitimate criticism for his actions when dealing with great public policies which must ultimately be decided by the people. After all, Judge Pound was only emphasizing anew the doctrine laid down by Lincoln in his first inaugural, when he said:

"If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges."

Very worthy people, both lawyers and laymen, have at times advanced the view that there should be no criticism of judges, even when they decide on matters of public policy, because they say that judges have nothing to do with making the law, and merely have to apply it when made. Sometimes the position is taken in even more advanced form, to the effect, namely, that only lawyers are competent to pass criticism upon judges. This latter position has always reminded me of an experience of mine nearly thirty years ago, when I was serving my first term in the New York legislature. A measure was being voted

upon which related to saloons in the city of New York. A new member from that city—himself a saloon-keeper—suddenly rose to a point of order, and with much indignation protested against the fact that there were "men not engaged in the liquor traffic who nevertheless were voting" upon the bill in question! The simplicity of this position appealed to everybody as exquisitely and unconsciously humorous, yet the assumption that only liquor-sellers have a right to express an opinion as to legislation concerning the liquor traffic is fundamentally identical in spirit with the assumption that lawyers have a greater interest than other citizens in the attitude of a judge on great questions of public policy.

There is no need of discussing the question whether or not judges have a right to make law. The simple fact is that by their interpretation they inevitably *do* make the law in a great number of cases. Therefore it is vital that they should make it aright. In an admirable article on "The National Government," in the *American Law Review,* Judge Alfred Spring, an appellate justice of the supreme court of the State of New York, has set forth the proper position of the judiciary toward the Constitution, and incidentally has shown anew what ought to be, but apparently is not, familiar to every man who speaks of the functions of the Supreme Court—the absolute revolution in the Constitution caused by the action of the Supreme Court under Marshall. As Judge Spring points out, the Constitution is not made up of definitions, is not a dictionary, but is couched in general language, and is made for all time and to fit conditions and exigencies as they arise. He says:

"The oracular statement of Carlyle that a written Constitution 'does not march' has met refutation in the advancement of the United States. It has marched to the tune of progress, and with but few changes in its original form. Its onward march has been due to the far-seeing wisdom of its framers in not making it a lexicon of definitions, but vesting power in simple, terse sentences, adaptable to circumstances as they come along."

He shows that all three branches of the National Government have inevitably at different times exercised powers which the founders of the government did not contemplate their exercising. In speaking of the President, he says:

"The language of the Constitution in fixing the status of the President is even more comprehensive than that lodging the judicial power in the Supreme Court. It provides that 'the executive power shall be vested' in the President. A more complete investiture cannot be conceived, and yet, at the time of the adoption of the Constitution, and for long after, the tremendous energy imparted to the executive department by this all-embracing grant was not realized. Its mastery grew with the growth of the nation, until to-day, within the limits of the Constitution, in practical effectual authority it is in alignment with the congressional branch of the government."

He points out, what ought to be obvious to every one, that the different Presidents have construed and have been able to exercise in widely differing manners the powers conferred upon them. The presidency under Jackson and Lincoln was a totally different office from what it was under Buchanan, Pierce, and Johnson. Dealing with the Supreme Court, Judge Spring points out that for the first fourteen years of its existence it occupied a position of no importance in the National Government. Jay had resigned the chief-justiceship, and declined reappointment, because he felt that the judiciary was not clothed with any real authority. It was not the adoption of the Constitution nor its administration by some of its founders during the first dozen years of its life which put the Supreme Court in its present position under the Constitution. The Supreme Court itself, for the great benefit of the nation, read its own place into the Constitution, after the lapse of years during which no one, none even of the founders of the Constitution, had dreamed of giving it such a place. It was the appointment of Marshall and the exercise by that great man of his extraordinary personal influence which gave the Supreme Court its great power in our government, and which thereby also gave an enor-

mous impetus to the growth among us of that spirit which made and kept us a nation, a great, free, united people, instead of permitting us to dissolve into a snarl of jangling and contemptible little independent commonwealths, with governments oscillating between the rule of a dictator, the rule of an oligarchy, and the rule of a mob. Those who on abstract grounds insist that the courts never have anything to do with the embodiment of public policy into law ought to pay heed to the simple fact that, under Marshall, the Supreme Court of the United States worked a tremendous revolution, not merely in ordinary law, but in the fundamental constitutional law of the land. When Marshall was appointed, as Judge Spring has shown, it was usually assumed, when the subject was discussed at all, that Congress, like the English House of Commons, could pass upon the validity of its own acts. When the adherents of Jefferson and Madison opposed this proposition, as they did in the Kentucky and Virginia Resolutions, the position they took was that the legislature of each State was a judge of constitutional matters at issue between the States and the nation, and that the States could declare void an Act of Congress. No one at the time thought of turning to the Supreme Court as the arbiter in such a matter, and this although the men who had made the Constitution were administering it. But Marshall, in his first constitutional opinion, in an argument which, as Chancellor Kent said, approached to the precision and certainty of a mathematical demonstration, held that the Supreme Court possessed in itself the ultimate power to declare whether or not an Act of Congress was void. Nowadays the authority of the court to decide that an Act of the Legislative Department, whether of the nation or of any of the States, is repugnant to the Constitution seems self-evident. But no such power was expressly prescribed in the Constitution, and not only Jefferson but Jackson, with an emphasis amounting to violence, denounced Marshall's position and asserted that no such power existed. The reason why Marshall was so great a chief justice, the reason why he was a public servant whose

services were of such incalculable value to our people, is to be found in the very fact that he thus read into the Constitution what was necessary in order to make the Constitution march. As Judge Spring points out, Marshall acted in the spirit of Hamilton when the latter said: "A government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and the complete execution of the trust for which it is responsible; free from every other control but a regard to the public good *and to the sense of the people.*" (The italics are my own.) Judge Spring says with wisdom: "This emphatic declaration of Hamilton is as true to-day as when the infant nation, after much tribulation, started on its career." There never existed a public man who was less of a demagogue than Hamilton, and yet he thus explicitly recognizes the need of law being in harmony with public opinion.

Now, the briefest consideration of Marshall's public career, and of the attitude of Lincoln as quoted by Judge Cuthbert Pound, is sufficient to show several things. In the first place, it is absolutely necessary that there should be discrimination between, and therefore intelligent criticism of, the judges who by their power of interpretation are the final arbiters in deciding what shall be the law of the land. Men ought not to be classed together for praise or blame because they occupy one kind of public office. The bonds that knit them in popular esteem or popular disfavor should be based, not upon the offices they hold, but upon the way in which they fill these offices. Chief Justice Taney was, I doubt not, in private life as honorable a man as Chief Justice Marshall; but during his long term of service as chief justice his position on certain vital questions represented a resolute effort to undo the work of his mighty predecessor. If, on these positions, one of these two great justices was right, then the other was wrong; if one is entitled to praise, then the other must be blamed. Buchanan and Lincoln do not stand together in the popular eye because both were Presidents; on the contrary, they represent antipodal

schools of thought. Andrew Johnson and Grant were as far asunder as Washington and Jefferson. There is no more ground for demanding that we refrain from differentiation between, and therefore from criticism of, chief justices than for adopting the same attitude as regards Presidents. We must bear in mind the office; but we must also bear in mind the man who fills the office. This is a government of law, but it is also, as every government always has been and always must be, a government of men; for the worth of a law depends as much upon the men who interpret and administer it as upon the men who have enacted it.

III

There is a second aspect of the relation of the courts to the people.

This second aspect, which the briefest consideration of the history of the Supreme Court emphasizes, is what Mr. Roscoe Pound has so clearly shown in his articles in the *Columbia Law Review* and the *Green Bag,* on "Mechanical Jurisprudence" and "The Need of a Sociological Jurisprudence"; that is, the far-reaching damage done by a merely mechanical jurisprudence, and the need for an informed and intelligent interpretation of the law. Dean Kirchwey, of the Columbia Law School, in his address before the American Bar Association on "Respect for Law," spoke as follows:

"There is no other artificial device that I know of to bring about the condition of affairs that must be effected in order that our law shall escape the criticism which we aim to avert by becoming the real handmaid of society in its onward and upward march. The only remedy that I can see is for our courts to realize once for all that the power to do justice, greater than the power to administer law, is the power that is really committed to them; that a precedent is only a signpost pointing out the direction in which the feet of justice must go, not a rule binding upon the mind and conscience of the

judge; that our courts are set in their high places as interpreters of the popular sense of morality and right and the popular sense of justice, not as interpreters of obscure oracles handed down from a remote antiquity. They will receive and they will deserve respect so long as the law which they lay down is the expression of the public will, and no longer."

Mr. Roscoe Pound's article on "Mechanical Jurisprudence" should be read by every one who has the least doubt as to the vital need of making our law correspond to the demands of real justice and of common sense. He quotes Sir Frederick Pollock, and Judge Richmond, a noted Australian judge, with approval of their insistence that modern law must escape from all that is artificial, and must meet the demands of modern society for full, equal, and exact justice. He unreservedly indorses the view that legality and the scientific character of law are means toward the end of law, which is the administration of justice, and that law must be judged by the results which it achieves, and not by the niceties of its internal structures. Mr. Pound quotes with proper emphasis the profoundly wise remark of Lord Herschel: "Important as it is that people should get justice, it is even more important that they should be made to feel and see that they are getting it."

One merit of Mr. Pound's article is the way in which it points out that laymen are just as responsible as lawyers for the tendency of law to become mechanical, because of the average man's admiration of the ingenious, his love of technicality as a manifestation of cleverness, and the feeling that law as an established institution ought to have a certain ballast of mysterious technicality. But Mr. Pound also shows that when this type of thought is found in a judge, and is given full sway by him, the result may be of literally incalculable harm. He says: "It is sometimes assumed that law must needs aim for a different kind of justice from that which is commonly understood and regarded by the community. But this cannot be. Law is a means, not an end. We must not make the mistake in American legal education of creating a perma-

nent gulf between legal thought and popular thought. . . . The practical end of the administration of justice according to law is such adjustment of the relations of men to each other and to society as conforms to the moral sense of the community." The idea has been well expressed in a private letter written by Doctor Du Bose, of the University of the South, to Mr. Silas McBee, editor of *The Churchman,* commenting upon an editorial in *The Churchman* upon a certain announced judicial conception of democracy. "If the Constitution does not live and expand with the life of the Nation, it becomes a mere letter and fetter which will either strangle the life or have to be broken by it. And to make the Supreme Court a mere guard over the letter without jurisdiction over the spirit and life is to make it an instrument of slow death."

Miss Jane Addams points out a fact which should cause both our legislators and our judges grave concern when she states that there has been a growth of feeling among working men that the courts are their enemies. A certain type of man, usually the head of a big corporation, or his legal adviser, or his representative in the press, but often an entirely honest although ill-informed citizen, is apt clamorously to insist that this feeling among working men has no basis in reason, and is due merely to their having been inflamed by the tirades of demagogues. I would call the attention of this type of man to *Law Notes* for December last, which quotes the comments of a learned jurist, who states that his own professional and personal interests are almost exclusively on the side of great corporations and of defendants in negligence cases, and who explains that his views are the result of an impartial study of the whole situation while constantly engaged in the professional service of railway and other corporations. The comments in question appear in the introduction to the fifth edition of Shearman and Redfield on Negligence, signed by Mr. Shearman:

"A small number of able judges, devoted, from varying motives, to the supposed interests of the wealthy classes, and car-

ing little for any others, boldly invented an exception to the general rule of masters' liability, by which servants were deprived of its protection. Very inappropriately, this exception was first announced in South Carolina, then the citadel of human slavery. It was eagerly adopted in Massachusetts, then the centre of the factory system, where some decisions were then made in favor of great corporations, so preposterous that they have been disregarded in every other State, without even the compliment of refutation. It was promptly followed in England, which was then governed exclusively by landlords and capitalists. And when the fifteen judges of Scotland unanimously declared that it had never been the law of Scotland, four English law lords reversed their decision."

My only comment upon the above would be that I do not think that the judges who are responsible for such decisions are, save in exceptional cases, actuated by friendship for the property classes as compared with the masses of the people; I think that the responsibility for this condition of things lies chiefly at the doors of well-meaning men unfortunately cursed with an obsession for what Mr. Pound has called mechanical jurisprudence. The stickler for technicalities, the man who treats precedents, however outrageous, as always binding, instead of as sign-posts put up for his consideration, will often do as much harm as the other man who permits himself to be swayed either by special sympathy for or special antipathy toward a certain class of his fellow men, whether those who possess much property or those who do not—and antipathy toward one is just as bad as antipathy toward the other.

Plenty of poor men who are criminals of the worst type escape punishment because of technicalities, just as plenty of rich men do. A long list of such instances could be produced, a list which I think it would be impossible to read without a feeling of very deep indignation. Such a list would include a recent decision in one State under which a murderer was turned loose because he had been convicted under an *alias,* or without giving his *alias.* In a recent decision in another State a new

trial was ordered because the prisoner was convicted under an indictment which charged him with stealing hides, and did not specify whether they were cow, mule, or sheep hides. Another instance was perhaps the most striking of all. Two pianolas had been stolen. The indictment described them as "pianos," and because of this a new trial was ordered. On the next trial experts convinced the court that pianos and pianolas were the same thing; whereupon the court discharged the prisoner on the ground that he could not be tried twice for the same offense! A reading of these decisions makes one feel profoundly grateful to the supreme court of Oklahoma for its opinion—rather breezily expressed—in a case where it very sensibly refused to grant a new trial because a useless word had been omitted from an indictment. The court said:

"Now that our criminal jurisprudence is in its formative period, we are determined to do all in our power to place it upon a broad and sure foundation of reason and justice, so that the innocent may find it to be a refuge of defense and protection and that the guilty may be convicted and taught that it is an exceedingly serious and dangerous thing to violate the laws of the State, whether they be rich and influential or poor and friendless. . . . If we place our criminal jurisprudence upon a technical basis, it will become the luxury of the rich, who can always hire able and skilful lawyers to invoke technicalities in their behalf. . . . We confess to a want of respect for precedents which were found in the rubbish heap of Noah's Ark, and which have outlived their usefulness, if they ever had any."

The New York Code—Criminal Procedure, § 542—now explicitly forbids judges to permit such technicalities as those quoted above to be used for the perversion of justice; and for the last decade or thereabouts this prohibition has been heeded.

A judge must decide the law according to its evident intent, even when that evident intent is repugnant to his feelings, unless the Constitution explicitly forbids it. In the abstract

this will be denied by no one. But in the concrete there has often been much ingenious twisting of the Constitution, doubtless entirely unconscious, in order to justify judges to their own conscience in deciding against a given law. I say often. I do not mean generally. The courts must grow and change in opinion just as the other bodies of national expression grow, and as the nation itself grows. Nor can the courts permit the general and unequivocally expressed will of the nation to be nullified in accordance with a small or local body of opinion.

It is well to give concrete instances of general principles, and these I now give, to illustrate the principles laid down last week. I shall select first a case in which the judges have rendered incalculable service in standing up for the elementary and fundamental rights of mankind. This nation has definitely agreed that there shall be no slavery; and what is called peonage, whether among poor white men or ignorant black men, is in its essence an ignoble and furtive desire partially to re-establish slavery. The first blow of really telling character struck at peonage was by the Federal court of Alabama in the decisions of Judge Jones, a former governor of the State and an ex-Confederate soldier. A similar service was recently rendered by Judge Thomas, of the same State, in the case of Alonzo Bailey, and the Supreme Court in upholding Judge Thomas's view rendered a signal service to real as distinguished from academic freedom; for it cannot too often be pointed out that absolute liberty of contract when carried to an extreme utterly defeats its own purpose. The leading individualist philosophers, such as Mill and Spencer, have agreed that "the principle of freedom cannot require that a man should be free not to be free." It is not freedom to be allowed to alienate one's freedom; and, as Sidgwick has pointed out, in speaking of this so-called natural invalidity of a contract to become a slave, any "serious approximation to the condition of slavery" amounts to the same thing. Of course this principle should be pushed very much further than leaders of the school of purely individualistic or eighteenth-century

philosophy have admitted. No person should by contract be permitted to impose substantial restraints upon his liberty. Freedom to impose these restraints, if given to weak and needy people, simply amounts to defeating the very end of freedom. Academic freedom is the absolute negation of real freedom. Academic individualism defeats itself, whereas freedom in the fact makes for a rational individualism.

The other two cases of which I intend to speak are those to which I alluded in my address before the Colorado legislature last year as striking instances respectively of infringement upon the rights of the people through curtailing national rights, and infringement upon the rights of the people through curtailing States' rights.

The first is the decision in the Knight Sugar Case. As to this I quote the opinion, not of a radical or a revolutionary, but of a leading New York lawyer, whose practice has been much with corporations, Mr. Victor Morawetz, as given in the *Columbia Law Review* of December last. He writes:

"However, in the Sugar Trust Case the Supreme Court seems to have held that, notwithstanding the Antitrust Act, a manufacturing company producing an article of interstate commerce may lawfully purchase the manufacturing plants and businesses of all its competitors in the same business, although the effect of the purchase may be to monopolize the manufacture and sale of an article of interstate commerce, and consequently to monopolize interstate commerce in this article. It appeared that the American Sugar Refining Company had purchased the control of four independent sugar-refining companies, paying therefor by transfer of shares of its own stock; that refined sugar was an article of interstate commerce; that all the companies were engaged in interstate commerce in refined sugar; and that by such purchases the American Sugar Refining Company acquired nearly complete control of the business of manufacturing and selling refined sugar throughout the United States. The Supreme Court held that this transaction was not in violation of the Antitrust

Act. . . . The decision in the Sugar Case was one of the earliest decisions under the Antitrust Act, and, in the opinion of the writer, cannot be reconciled with the subsequent decisions of the Supreme Court. In a number of subsequent cases the court decided that Congress had constitutional power to prohibit, and by the Antitrust Act did prohibit, monopolizing, or attempting to monopolize, or combining or conspiring to monopolize, interstate trade or commerce by means of contracts or trade arrangements among competitors; yet it is clear that Congress has no greater power to prohibit the making *of contracts* that are sanctioned by State laws than to prohibit the acquisition or use *of property* sanctioned by State laws. . . . A decision following the supposed authority of the Sugar Trust Case and holding that the Antitrust Act does not prevent the effective monopolization of interstate trade or commerce by combining or vesting in a corporation the plants and businesses of practically all manufacturers and sellers of an article of interstate commerce surely would not be accepted by the people of the United States as a final solution of the trust problem. Such a decision probably would result in an imperative popular demand for legislation of a Socialistic character, and possibly it might lead to an amendment of the Constitution. Governmental regulation of corporations and trusts as to their organization and their methods of conducting business, while leaving them the fruits of monopoly, would not be accepted as sufficient."

I have already elsewhere quoted the entirely justifiable language of Justice Harlan in dissenting from the opinion of the court in the Knight Sugar Case, language in which he points out the impotence to which the decision reduced the people of the United States in controlling, in the only effective way possible to control, the great corporations engaged, as every great corporation is necessarily engaged, in interstate commerce. The movement which resulted in the formation of the Constitution started primarily because of the absolute chaos caused by each State exercising its power as it chose in

regard to commerce between the States. As Judge Spring, in an article quoted last week, shows, the makers of the Constitution, the opponents of the clause in question as well as its advocates, alike definitely understood that it vested plenary powers in Congress to regulate all interstate traffic, and deprived the States absolutely of dominion over intercourse among them. The Supreme Court, under Marshall, decided, and without dissent, that commerce comprehended traffic, interchange of merchandise, and intercourse; and that the national power to regulate was "to prescribe the rule by which commerce is governed."

Judge Spring says:

"It is claimed that the tendency now is to arrogate to Federal authority powers not fairly within the province of this delegation. It seems to me there is no marked assertion of authority not within the constitutional grant, but the increased intercourse among the States, the variety and complexity of the business carried on, necessarily call for more frequent exercise of power. There is a vast difference in the extent of the business in a nation of eighty millions of people with one hundred and twenty billions of property and that carried on by the four millions of people with their small holdings when the Constitution became operative. The necessity for the exclusive exercise of this power by Congress was never more manifest than in these days of enormous State interchange of commodities. If each State can fix a rate for the carriage of goods by a common carrier crossing its boundaries, the confusion and absence of uniformity which the commerce clause was intended to obviate will again prevail to a far greater degree than existed in the old Confederation, when the transactions were not frequent or varied. One State might, for retaliation, fix an abnormally high rate to redress some real or imaginary injustice by the railroad company. Another, to stimulate trade, or through favoritism, might go to the other extreme. Under the most favorable and judicious system of regulation by the States great disparity would be prevalent,

and jealousy and animosity would be engendered. . . . It is contended that the enlarged range now given to the commerce clause is far and away beyond what was contemplated by the framers of the Constitution. Undoubtedly. A written Constitution is couched in general language in order that it may fit changing conditions as they occur. The probabilities are that these varying situations may not be foreseen. The extension of our national domain, the building of railroads, telegraph and telephone lines, the accumulation and combination of wealth, and the amplitude of our internal commercial relations were not within the reach of human ken one hundred and twenty years ago. The intrinsic power of the government is unchanged whether the commerce among the States is over a dirt road, a navigable river, or a railroad track crossing State lines. Because the interstate business has exceeded the expectations of the Constitution makers and is carried on by other agencies than were employed in their day does not abridge the authority vested in Congress. The extent or variety of the business is unimportant in considering the right of control over it."

The learned judge and leading corporation lawyer whom I have above quoted, and the justice of the Supreme Court, Mr. Harlan, in his dissenting decision, have put the case so clearly that I do not see how their view can be successfully refuted. But there is one point upon which sufficient stress has not been laid, except by Mr. Croly in his "Promise of American Life," and that is the far-reaching damage done to the rights of property, no less than to the spirit of nationalism, by such a decision as that in the Knight Sugar Case. The American people demand that efficient and genuine control over great corporations be exercised by the government. They will not permanently tolerate the failure to meet this rightful and proper demand. If the National Government, through the national judiciary, confines itself to mere negation, and by one series of decisions denies the National Government power to interfere in the matter, while at the same time by another series

of decisions it tries to prevent the States from interfering, the result can only be to cause damage from every standpoint; for confidence in the National Government will be shaken, it will prove well-nigh impossible to prevent States from acting when they have a furiously indignant public opinion behind them, and there will be a real popular loss of confidence in the courts, a loss of confidence by the people at large, which is in no way permanently offset by exaggerated and hysterical praise of the courts by the organs of the capitalistic classes.

I most strongly hold the view that the States should not, and cannot permanently, be allowed to exercise any power, directly or indirectly, over interstate commerce. Wherever commerce is interstate the national power is not only supreme but sole. This has been recently and unequivocally asserted by the Supreme Court in deciding the cases brought by the Western Union Telegraph Company and the Pullman Company against the State of Kansas. All questions of the regulation of traffic through any State, if that traffic is interstate, belong, under the Constitution, to the National Government. The encouragement to the States to act on their own initiative in this matter has come chiefly from the failure of the National Government to act; the failure of Congress to provide laws sufficiently far-reaching; and the nullification of these laws, when enacted, by decisions like that in the Knight Sugar Case. When, by what ordinary men regard as a mere legal subtlety, the power of the National Congress over great corporations engaged in interstate commerce is reduced to a nullity, it is inevitable that the State governments should themselves try to step in and take the place which the highest Federal court, in the decision which has become the supreme law of the land, has declared to be vacant so far as the National Government is concerned. A decision like that in the Knight Case invites each State to act for itself, and therefore invites industrial chaos. Such a decision, if consistently carried out, would, as regards one of the prime and vital features of government, undo the work of Marshall and of the Supreme Court during

the first half-century of its existence, and bring us back dangerously near the chaos of the days of the Confederation. The power over these great corporations must be exercised. The people will not permit these enormous corporations to be free from governmental control, for the simple reason that they instinctively recognize the fact that unless the great corporations are controlled by the government they will themselves completely control the government. All that the national authorities, legislative, judicial, and executive alike, can determine is whether they shall give effect to the plain intent of the Constitution, and really and efficiently and not with academic ineptitude exercise this power, or whether they shall shelter themselves behind quibbles and technicalities and fail to exercise the power, with the certainty of seeing in a few years the effort to exercise it made by the several States, and chaos and disaster follow.

II

NATIONALISM AND DEMOCRACY

THE true object of government has been happily defined as the effort to accomplish a general distribution of welfare. The true object of democracy should be to guarantee each man his rights, with the purpose that each man shall thereby be enabled better to do his duty. Government is a failure, no matter how well it preserves law and order, if it results only in securing to a few people an enormously disproportionate share of power and of material well-being, while the conditions for the great mass of men are such as to forbid them achieving success by hard, honest, intelligent work. Similarly, democracy means failure if it merely substitutes a big privileged for a small privileged class, and if this big privileged class in its turn desires nothing more than selfish material enjoyment. The man who receives what he has not earned and does not earn, the man who does not render service in full for all that he has, is out of place in a democratic community; and he is equally out of place, whether he be a man living in idle luxury on millions which he has not earned or which he has won in ways that represent no service to the State; or whether he be a man living in idle poverty, enjoying the luxury of squalid sloth, content to exist on some form of charity, or, what is still worse, on what is in its nature the plunder of the industrious. Effortless ease ignobly enjoyed and the avoidance of serious work render a man equally unfit for citizenship in a republic, whether he be a multimillionaire or a tramp. The division between the worthy and the unworthy citizen must be drawn on conduct and character, and not on wealth or poverty. Arrogance and envy, the bitter scorn of

the rich man for the poor man and the bitter hate of the poor man for the rich man, are merely the opposite sides of the same dark shield.

In this country at the moment our chief concern must be to deprive the special interests of the power to which they are not entitled and which they use for the corruption of our institutions and to our economic and social undoing. There are persons who contend that "special interests" is a vague and indeed a demagogic term, and incapable of definition. Undoubtedly it is difficult in certain cases to draw the line sharply between corporations which conduct themselves with entire propriety and are beneficial to the public, and other corporations which distinctly come in the category of the special interests, of the beneficiaries of special privilege. But such difficulties of demarcation on the border-line always exist. Practically there is little difficulty in saying whether or not the average big concern is the beneficiary of special privilege. A special interest is one which has been given by law certain improper advantages as compared with the mass of our people, or which enjoys such advantages owing to the absence of needed laws. As regards certain great corporations, the facts are so patent —being often made so by confession or judicial proceeding— that no discussion of them is necessary. When the Sugar Trust, for instance, through its chief officer, testified that it subscribed to the campaign funds of both parties in order to protect itself from governmental interference, the officer adding with cynical candor that it was Republican in Republican States and Democratic in Democratic States, it becomes easy to understand why its management should have been of such a character as to result in its having to return to the government between two and three millions of dollars of which it had swindled the government by debauching custom-house employees—and this aside from the fines it paid for illegally securing railway rebates. When the Southern Pacific dominated Californian politics and industry, there was no room for doubt as to its being a special interest. Full government reports of

investigations undertaken by the order of Mr. Garfield when he was secretary of the interior showed clearly to those willing to see that the Standard Oil Company in point of power, and of its relations to competitors, to the railways, and to consumers, embodied everything which we think of as typical when we speak of a special interest. In my judgment, the way for a democracy to deal with special interests of this character is plain. The Sugar Trust should be deprived of every particle of the tariff protection which it has abused. The same is, of course, true of the Standard Oil Company. The great railway should be put completely and effectively under the control of the Interstate Commerce Commission. Furthermore, as regards these two great trusts, the Sugar Trust and the Standard Oil Trust, the Bureau of Corporations in the Department of the Interior should be given precisely such control as the Railway Commission now exercises over railways, precisely such control as is exercised by the German Government at this moment over potash—a control which shall be efficient and thoroughgoing in every department of the business.

I mention these three corporations merely as examples, as showing what ought to be done with all corporations of similar type. Men who believe in the Democratic principle should realize that true Nationalism is only another name for true democracy. The special interests which are powerful, and therefore potentially formidable, are always of nation-wide, and not merely State-wide, power. I cannot too often repeat that true Nationalism represents in its essence merely a demand for the people's rights, for the rights of the whole people. Therefore true Nationalism means championship of the rights of the States when insistence on their rights offers the best method of securing popular rights, and championship of the power of the Federal Government when the rights of all the people are involved, because then the rights of the people as a whole can be secured only by the action of the Federal Government. So far as the great trusts are concerned, only the National Government can deal with them, for their economic

power is achieved only by reason of their participation in interstate commerce, and so only the Federal Government can effectively control them.[1]

[1] In attacking special privilege, in attacking the great moneyed interests which have exercised so sinister a control over our political and social life, we have to count not only upon the open and avowed opposition of our enemies, but on their much more dangerous indirect opposition. I earnestly commend the reading of Judge Lindsey's book "The Beast" to all men who wish to understand the methods by which these great sinister interests work. Judge Lindsey has been a true friend of the people, a fearless and incorruptible champion of genuine popular rights, and the upholder of a high standard of popular duty. He has therefore been violently assailed and vilified by the orators and newspapers directly or indirectly subsidized by the interests. One of his illuminating experiences has been with certain journals of a nominally philanthropic type. One of these was a paper nominally issued in the interest of the protection of children and dumb animals by the State itself, and another a private paper of the same type. Each is designed to influence religious and philanthropic people who mean well and do not think deeply, or who are entirely intelligent but lack the means of ascertaining the facts. Each accordingly is filled with articles advocating virtue in the abstract, or virtue somewhere else, or virtue which does not interfere with the financial well-being of the great corrupt corporations. Each will praise temperance, for instance—especially in the shape of an impractical temperance agitation—and reproduce sermons in support of the family virtues; or support a campaign against race-track gambling; and then, having thus predisposed its auditors in its favor, insert a vicious assault upon Judge Lindsey in an effort to discredit him in the minds of religious people ignorant of the facts. As an amusing incident I may mention the fact that one of these papers last summer, not deeming it wise to attack me openly for my speeches in Denver and elsewhere against the corrupt special interests, endeavored to create a feeling against me among well-meaning sentimentalists because, forsooth, I had collected in Africa, for the National Museum, a group of wild ostriches consisting of cock, hen, and eggs! The writer trusted that those of his readers who ate hens' eggs and spring chickens could, nevertheless, be moved to horror at the thought of preserving in the National Museum, for the pleasure and instruction of hundreds of thousands of visitors, the only such group of wild ostriches to be found in any American museum.

I mention Judge Lindsey's experience in Colorado merely as a sample, not as unique. In New York City the press directly or indirectly influenced by and responsive to those special interests which are as a matter of rough convenience designated as the Wall Street interests is naturally very large, and any man engaged in the effort to bring about a genuine betterment of social, political, and industrial conditions, especially if he lives in New York or the neighborhood, must accept as a matter of course the virulent hostility of this portion of the press; and the hostility shown by certain papers which pride themselves upon representing the educated classes is marked by as much mendacity as is the case with the newspapers which are frankly "yellow." T. R.

The democracy, if it is to come to its own in this country, must set its face like steel against privilege and all the beneficiaries of privilege. It must war to cut out special privilege from our frame of government, and in doing so it must count upon the envenomed hostility, not only of the great industrial corporations and individuals who are the beneficiaries of privilege, but of their servants and adherents in the press and in public life.

Yet it is even more important that the people should be on their guard against themselves than it is that they should be on their guard against others. Each of us must hold his own against outsiders at times, but, after all, the chief dangers to each man dwell within that man's own heart and brain; and what is true of each of us individually is true of all of us in a mass. No man can do good work in the world for himself, for those whom he loves who are dependent upon him, or for the State at large, unless he has the great virtue of self-mastery, unless he can control his passions and appetites, and force head and hand to work according to the dictates of conscience. This is so obvious that to many people it will seem too obvious to need repetition. But, though obvious enough in theory, it is continually forgotten in practice; and the political leaders who address, not each man individually, but men in a mass, often forget to inculcate it even in theory. A flatterer is not a good companion for any man; and the public man who rises only by flattering his constituents is just as unsafe a companion for them. I do not mean that he should continually find fault with them or blame them. In private life, the nagging and faultfinding friend is often quite as unworthy a creature as the flatterer, and, moreover, cannot normally long remain a friend. So it is with the public man. Unless he genuinely loves and trusts the people, as Abraham Lincoln did, he has no real place in popular government. But he need be no more a flatterer than Abraham Lincoln; and, like Abraham Lincoln, he should steadily set before the people, not the ideal of mere ease and personal enjoyment, but the ideal of high achieve-

ment for noble ends, of work well worth doing which is worthily done.

The greatness of our nation in the past has rested upon the fact that the people had power, and that they used it aright for great and worthy ends. Washington and Lincoln, each in the degree that his generation rendered possible, trusted to and believed in the people, steadfastly refused to represent anything save what was highest and best in the people, and by appealing to this highest and best brought it out and made it prominent. Each called upon his countrymen to lay down their lives for an ideal, and then called upon the survivors to perform the even harder task of leading their lives in such shape as to realize the ideal for which the dead men had died. Our aim, the aim of those of us who stand for true progress, for true Nationalism, for true democracy, is not only to give the people power, but, ourselves as part of the people, to try to see that the power is used aright, that it is used with wisdom, with courage, with self-restraint, and in a spirit of the broadest kindliness and charity toward all men.

At the moment we are engaged in a campaign to secure to the people the right to elect their senators by popular vote. We hold that the recent exhibitions in Illinois, in New York, and in various other States amply warrant the change. Furthermore, we believe that, exactly as benefit came by the practical abolition of the electoral college and the substitution for it of the election of President by popular vote, so benefit will come by taking the election of the senators away from the legislatures and giving it to the people. But it must ever be remembered that no benefit whatever will come from the change unless the people themselves are honest. A constituency which elects a Lee Neil Browne to the State legislature has forfeited all right to complain about any deed of the legislature which elects a Lorimer as senator; and, indeed, such a district represents in our public life a greater menace than a corrupt legislature itself. When corruption becomes wide-spread, it is not of the slightest consequence whether it is due to the efforts of great corpora-

tions to secure special privileges or to the sordid willingness of private individuals to make money out of their suffrages. In the *Review of Reviews* Doctor Albert Shaw recounts in vivid fashion just what occurred in Adams County, Ohio, where Judge Blair—a man to whom the whole nation ought to be grateful—by a singular exhibition of fearlessness, ability, and honesty, uncovered a system of corruption so widespread that it had embraced a large minority, and possibly even a majority, of the voters of the county. If a condition of public morality such as Judge Blair exposed ever became general in this country, no shift of governmental form could save democracy from overthrow. The referendum, the initiative, and the recall can serve a good purpose only if the heart of the people is sound. The Roman Republic fell, not because of the ambition of Cæsar or Augustus, but because it had already long ceased to be in any real sense a republic at all. When the sturdy Roman plebeian, who lived by his own labor, who voted without reward according to his own convictions, and who with his fellows formed in war the terrible Roman legion, had been changed into an idle creature who craved nothing in life save the gratification of a thirst for vapid excitement, who was fed by the state, and who directly or indirectly sold his vote to the highest bidder, then the end of the republic was at hand, and nothing could save it. The laws were the same as they had been, but the people behind the laws had changed, and so the laws counted for nothing.

We need good laws just as a carpenter needs good instruments. If he has no tools, the best carpenter alive cannot do good work. But the best tools will not make a good carpenter, any more than to give a coward a rifle will make him a good soldier. We wish to see the mass of our people move steadily upward to a higher social, industrial, and political level. To do this we wish to change the laws, and by this change to render it steadily easier for the right type of man, the right type of woman, to achieve better conditions. But unless the man and the woman are of the right type the laws can accomplish noth-

ing. It rests within our own hands, it rests with us, the people of America, to determine our own fate; and character is the main factor in the determination. If betterment in social and industrial conditions means merely an increase in ease and sensual enjoyment, no good can permanently follow such betterment.

Nor will any one virtue suffice. Thrift and hard work will avail no more than a cultivated taste and an amiable philanthropy if there is wilful sterility in marriage, if men and women forget the great primal and elemental law of racial well-being, and this whether the fault be due to vice in its crude and repulsive forms, or to timidity and unwillingness to run risk, or to cold and selfish shrinking from the trouble and labor which are inseparable from every kind of life that is really worth living.

Moreover, as it is in the things of the home, which are most important, so it is with the things outside the home, which are only less important. It is absolutely necessary that the people as a whole should have complete control of the instrumentalities of government, for only by obtaining and retaining such control can we work out the genuine principles of democracy on this continent; but, having obtained this, our fate will be evil if we use the power in a spirit of vindictiveness toward others, or in an effort to get for ourselves something which we have not earned.

I believe that the average American citizen wishes nothing save what he can honestly obtain for himself by hard work and decent living. This is one reason why I so heartily believe in democracy. I believe in the future of the American people because I believe that fundamentally and at heart the average man and the average woman of America are sound; that, however deeply they may at times err, yet thy have in them, fundamentally, the power of self-mastery, of self-control, the power to live their lives in accordance with a high and fine ideal, to do strict justice to others, and to insist upon their rights only as a vantage-point for the better performance of their duties.

12

NATIONALISM AND INTERNATIONAL RELATIONS

A MAN must first care for his own household before he can be of use to the state. But no matter how well he cares for his household, he is not a good citizen unless he also takes thought of the state. In the same way, a great nation must think first of its own internal affairs; and yet it cannot substantiate its claim to be a great nation unless it also thinks of its position in the world at large.

The United States of America has not the option as to whether it will or will not play a great part in the world. It *must* play a great part. All that it can decide is whether it will play that part well or badly. And it can play it badly if it adopts the rôle either of the coward or of the bully. Nor will it help it in the end to avoid either part if it play the other. It must avoid both. Democratic America can be true to itself, true to the great cause of freedom and justice, only if it shows itself ready and willing to resent wrong from the strong, and scrupulously desirous of doing generous justice to both strong and weak.

There are of course very few people who will openly take the position that we are justified in doing what is wrong simply because it is to our interest. But in actual practice there are always plenty of men willing to condone and excuse any wrongful act which they think is advantageous. These men by themselves never form more than a minority, and usually a very small minority, of our people; but often the majority is supine, indifferent, or ill informed, and thus may give a free hand to an unscrupulous minority. In making treaties, for instance, there must be give and take; and yet too often a

treaty will fail simply because our people permit a small section of their number to insist that it shall be all take and no give. Again, as the nation, and not the several States, have to deal with foreign powers, the nation should have complete control over all questions likely to cause trouble with foreign powers, and therefore should have the complete and fully recognized ability to protect all aliens in their treaty rights. Yet in actual practice occasions have not infrequently arisen which have shown rather pitiable national shortcomings in this respect.

I do not think, however, that, on the whole, much blame rests on us so far as *action* of this kind is concerned. I wish it were possible for us always to say as much as regards *speech*. Too many, both of our public men and publicists, seek at times to gratify themselves or their constituents in unworthy fashion by the use of insulting language in reference to foreign powers. The better American a man is, the more confident he is in America's strength and standing, the more ashamed he must be at every such exhibition of international bad manners on the part of any representative of our people. Courtesy is as much the mark of a gentleman as courage. If we respect ourselves, we individually show both qualities; and, in our collective capacity, we should demand of our representatives that the nation show both qualities in its dealings with other nations. We despise the coward; we despise no less heartily the loud-mouthed brawler. Bad manners and vituperation never yet won respect for either nation or individual. There is, however, a lower depth than is reached by those who merely show these shortcomings; that is, by those who, in addition to showing them, do their best to keep the country unprepared for the trouble which they are so lightly willing to provoke. Wantonly to insult a friendly nation is bad; to be unable ourselves to resist wrong is worse; but the lowest depth is reached by those who practise the policy of peace with insult, who are ever ready to join in measures or to use language extremely offensive to foreign powers, and

who nevertheless by their votes or speeches on the question of national defense show that they lack either the far-sightedness or the patriotism to take thought of the interest of the nation in the years to come.

So much for those Americans who fall short of the proper standard of international good manners, and just and kindly treatment as regards foreign peoples. Now for the American who commits the even worse offense of endeavoring to make this nation the derision and butt of other nations by refusing to allow it to take proper measures for its own defense. Unfortunately, many of those often well-meaning persons who claim a leading position among the advocates of international peace have harmed their cause in the eyes of all really far-sighted and patriotic citizens by advocating for America a position which would be abjectly unworthy of her standing among the nations. This category includes those who opposed our war with Spain, those who opposed the subsequent enforcement of law and order in the Philippines, those who opposed the building up of the navy, and those who now oppose the fortification of the Panama Canal. Some of these men are misguided men of good character; others, however, are merely men who do not possess any keen sense of international honor, and who are perfectly willing to see this nation expose itself to the chance of discredit and disaster, because their own small souls would be unaffected by a national defeat which would make most Americans bow their heads with bitterness and shame. As regards these men, I should not have the slightest objection to their inviting the disaster that would come upon them if their wishes were fulfilled, were it not for the fact that the rest of us would unfortunately have to share in the disaster. It is somewhat exasperating to reflect that we have to protect these particular peace advocates of the crazy type from themselves, and, in spite of their shrieking protests, guard them and their children against suffering their share of the national humiliation they do their best to bring about. If these men were capable of learning any lesson from history,

what has happened and is happening in China before their eyes would prove to them that a nation, however big, however industrious and populous, which is incapable of self-defense, not only invites humiliation for itself, but is a fruitful source of discord and possible war as regards other nations. There was a period when our country was a menace of aggression to the countries south of us. That period has long passed. No nation in history has ever behaved with more scrupulous good faith than we have behaved toward Cuba; nor, to take a smaller but equally significant example, has any nation ever acted with more wise helpfulness than we acted when we put San Domingo on its financial feet by insuring the honest collection of the revenues and their administration in equal parts for the payment of government expenses and for the payment of creditors. Cuba and San Domingo have benefited to a literally incalculable degree by our action of the last dozen years. It was entirely disinterested action on our part; or, if there was the slightest taint of self-interest in it, it was that lofty form of self-interest which realizes that the welfare of one's neighbor is from every standpoint desirable. And yet the loudest among the professional friends of peace either bitterly opposed, or were entirely lukewarm toward, the carrying out of the policy which has brought such a measure of prosperity to the two islands in question and has so redounded to the honor of the American name!

More recently, men of this type have opposed the fortifying of the Panama Canal. A few months ago they were loudly insisting that such fortification would be in violation of our treaty with Great Britain. The publication of the State Department papers deprived them of this excuse, for therein were found the written communications of the British ambassador and the British secretary of foreign affairs explicitly recognizing the right of the Americans to fortify the Canal. I may add that, while I was President, just before the treaty was submitted to the Senate, I personally saw Lord Pauncefote, the British ambassador, referred to the letters in question, and

expressed my gratification at the good understanding which had been reached, especially in this manner of the fortifications; and he, in response, not only repeated, of course, what he had said in his letter, but added that, as a matter of fact, his people had come to the conclusion that it was best that the Canal should be fortified by us as the only effective way of policing it and preserving order in case of trouble. So in our treaty with Panama we explicitly reserved the right to fortify. But it is not only our right to fortify; it is our duty. In my judgment, under the treaties, it is the President's duty to fortify the Canal without further authority, though, of course, he cannot adequately perform this duty unless the Congress makes a sufficient appropriation. Moreover, the best military thought is, I believe, coming to the conclusion that our vital naval base in Southern waters should be, not Guantanamo, but the Canal. Not to fortify the Canal would amount to getting it ready as a gift to the first nation that went to war with us. Be it remembered that no other nations except England and Panama are bound by treaty to regard the Canal as neutral. If we were ever engaged in war with any other power, it would be justified in seizing the Canal at once; and it would do so without the smallest hesitation, and without the smallest effective opposition from any other power.

It behooves a democracy to remember that one of the favorite taunts levelled against it by the representatives of great military monarchies is that a democracy will never prepare for war, and will rarely show wisdom in choosing positions valuable for national defense. Unquestionably it is true that a democracy has plenty of bad advisers. Among these bad advisers are the foolish creatures who try to prevent our having a big navy, and the equally foolish creatures who say that if we have a big navy there is no need of fortifications. As a matter of fact, fortifications should always be established on the land side as well as on the sea side; and one of their prime uses is to leave the navy footloose. If the Panama Canal were not fortified, in time of war we should either have to abandon it to

any enterprising enemy, or else paralyze our fleet by employing it to defend the Canal. If it is adequately fortified, our fleet can absolutely disregard it save in so far as it fulfils the vital requisite of a first-class naval base. War-vessels are inefficient substitutes for forts; and the poorest way to use a navy is to string the vessels in small groups in the ports along a coast, for then the enemy's navy can get them in detail. An unfortified Panama Canal would be a great source of weakness to this country; a fortified Panama Canal would enormously increase our strength. If our people are wise, they will hold those senators and congressmen who vote against the fortification of the Canal as unfaithful public servants who betray our country's interests at a vital point. With the possible exception of Hawaii, there is no other spot so necessary to fortify as the Panama Canal. We should have very few naval bases. These few should be thoroughly fortified and strongly held, and among them the two most important are those above mentioned.

One of the difficulties in dealing with foreign affairs is the queer tendency of many people to treat desire on our part to have an adequate navy and coast fortifications as equivalent to the statement that we believe there will be a war, and as justifying offensive war talk. Most certainly we see at times offensive, and therefore utterly improper, talk of war with some entirely friendly nation, now Germany, now England, now Japan. No one can regret such talk more than I do, and it is almost never indulged in by men who would themselves respond to the call to arms if war should unhappily come. A man who is of the type apt to be useful in war is usually of too serious a nature to talk with levity or brutality of war, or in such fashion as to provoke war. My hearty reprobation of this type of offensive agitation does not interfere in the least with my belief, in the first place, that war is unlikely with any power, and in the next place that we can render it still more unlikely, as well as guarantee ourselves against possible humiliation and disaster, by the exercise of moderate forethought and

preparation. To the good people who, because we laugh at a war scare about the Japanese or Germans, think that therefore we should abandon the upbuilding of the navy and the proper care of the army, I feel inclined to put the question whether, if they own houses, they have them insured or not. If the house is insured against fire, it does not in the least mean that the owner thinks it will be burned down; he thinks it unlikely that it will be burned down, but, as a prudent man, he wishes to discount even the slight risk. It is just so with us. In my time I have seen war scares about England, Germany, and Japan. I should regard war with any of the three as an unspeakable calamity. I admire all three nations. To speak only of the nation concerning which there has been most recent talk of war, I not only have a great respect and admiration for the Japanese, but I very strongly feel that we have much to learn from them. I regard a good understanding between Japan and the United States as of capital consequence to this country, and as of the first importance from the standpoint of preserving peace in the Pacific. It would not be for the interest of either country to admit from the other country any considerable number of wage-workers, small farmers, or men engaged in small agricultural pursuits, and the wisest and most far-seeing men of both countries take the same view of this matter. But there should be the closest and friendliest relations between the two countries, conducted on a basis of absolute equality and of mutual regard and respect. An admirable article has recently appeared in the *Japan Times,* a Tokyo paper, long a semiofficial organ of the Japanese Foreign Office. It runs as follows:

"In view of the revival of war talk in America, it will be interesting to recall some of the events which preceded our last two wars. In the case of both the Chino-Japanese and the Russo-Japanese wars it was freely predicted abroad, and nowhere so confidently as in China and Russia, that Japan never really meant to fight. Nevertheless, hostilities broke out principally because, on the strength of the above supposition,

Japan's modest demands for reasons of self-preservation were contemptuously ignored. Quite contrary is the case in that of the present war party of America, they being apparently convinced of the inevitability of a clash with this country, while, look where you will, there is not a single point of conflict on account of which Japan might prefer a demand on the ground of national safety. Hence, in virtue of the saying that it is the unexpected which happens, we complacently conclude that there will never be a war with America. Besides, let Japan be ever so wicked and unreasoning, as the American party choose to represent her to be, it would be difficult for us to find a chance to play a convincing game when the other side is with eyes and ears on the alert. That is another reason why there will be no war. Then, it is popularly credited to General Kuroki that when asked what he would do if war broke out between America and Japan, he answered that he would flee. That is the attitude also of Japan toward the country to which she owes so much, and she would fight only when she is not allowed to flee. But, in all human likelihood, we see no reason why America should thus force us to fight. That is the third reason why there will be no war. In the fourth place, when the matter is searched to the bottom, there exists no real war party in America."

With every word of the above editorial I agree. The American democracy not only owes it to itself to be thoroughly able and ready to defend America against any possible foes, but it also owes to itself the duty of treating in a spirit of genuine courtesy and friendliness all foreign powers; and as regards no power is this duty more incumbent than as regards our great and friendly neighbor across the Pacific, that ancient empire which has all the most astounding vigor of youth—the empire of Japan.

THE PRIMARY CAMPAIGN

1912

13

A CHARTER OF DEMOCRACY[1]

I AM profoundly sensible of the honor you have done me in asking me to address you. You are engaged in the fundamental work of self-government; you are engaged in framing a constitution under and in accordance with which the people are to get and to do justice and absolutely to rule themselves. No representative body can have a higher task. To carry it through successfully there is need to combine practical common sense of the most hard-headed kind with a spirit of lofty idealism. Without idealism your work will be but a sordid makeshift; and without the hard-headed common sense the idealism will be either wasted or worse than wasted.

I shall not try to speak to you of matters of detail. Each of our commonwealths has its own local needs, local customs, and habits of thought, different from those of other commonwealths; and each must therefore apply in its own fashion the great principles of our political life.

But these principles themselves are in their essence applicable everywhere, and of some of them I shall speak to you. I cannot touch upon them all; the subject is too vast and the time too limited; if any one of you cares to know my views of these matters which I do not to-day discuss, I will gladly send him a copy of the speeches I made in 1910, which I think cover most of the ground.

I believe in pure democracy. With Lincoln, I hold that "this country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing govern-

[1] Address before the Ohio Constitutional Convention at Columbus, Ohio, February 21, 1912.

ment, they can exercise their constitutional right of amending it."

We Progressives believe that the people have the right, the power, and the duty to protect themselves and their own welfare; that human rights are supreme over all other rights; that wealth should be the servant, not the master, of the people.

We believe that unless representative government does absolutely represent the people it is not representative government at all.

We test the worth of all men and all measures by asking how they contribute to the welfare of the men, women, and children of whom this nation is composed.

We are engaged in one of the great battles of the age-long contest waged against privilege on behalf of the common welfare.

We hold it a prime duty of the people to free our government from the control of money in politics.

For this purpose we advocate, not as ends in themselves, but as weapons in the hands of the people, all governmental devices which will make the representatives of the people more easily and certainly responsible to the people's will.

This country, as Lincoln said, belongs to the people. So do the natural resources which make it rich. They supply the basis of our prosperity now and hereafter. In preserving them, which is a national duty, we must not forget that monopoly is based on the control of natural resources and natural advantages, and that it will help the people little to conserve our natural wealth unless the benefits which it can yield are secured to the people.

Let us remember, also, that conservation does not stop with the natural resources, but that the principle of making the best use of all we have requires with equal or greater insistence that we shall stop the waste of human life in industry and prevent the waste of human welfare which flows from the unfair use of concentrated power and wealth in the hands of

men whose eagerness for profit blinds them to the cost of what they do.

We have no higher duty than to promote the efficiency of the individual. There is no surer road to the efficiency of the nation.

I am emphatically a believer in constitutionalism, and because of this fact I no less emphatically protest against any theory that would make of the constitution a means of thwarting instead of securing the absolute right of the people to rule themselves and to provide for their social and industrial well-being.

All constitutions, those of the States no less than that of the nation, are designed, and must be interpreted and administered so as to fit human rights.

Lincoln so interpreted and administered the National Constitution. Buchanan attempted the reverse, attempted to fit human rights to, and limit them by, the Constitution. It was Buchanan who treated the courts as a fetich, who protested against and condemned all criticism of the judges for unjust and unrighteous decisions, and unheld the Constitution as an instrument for the protection of privilege and of vested wrong. It was Lincoln who appealed to the people against the judges when the judges went wrong, who advocated and secured what was practically the recall of the Dred Scott decision, and who treated the Constitution as a living force for righteousness.

We stand for applying the Constitution to the issues of to-day as Lincoln applied it to the issues of his day; Lincoln, mind you, and not Buchanan, was the real upholder and preserver of the Constitution, for the true Progressive, the Progressive of the Lincoln stamp, is the only true constitutionalist, the only real conservative.

The object of every American constitution worth calling such must be what it is set forth to be in the preamble to the National Constitution, "to establish justice," that is, to secure justice as between man and man by means of genuine popular self-government. If the constitution is successfully invoked

to nullify the effort to remedy injustice, it is proof positive either that the constitution needs immediate amendment or else that it is being wrongfully and improperly construed.

I therefore very earnestly ask you clearly to provide in this constitution means which will enable the people readily to amend it if at any point it works injustice, and also means which will permit the people themselves by popular vote, after due deliberation and discussion, but finally and without appeal, to settle what the proper construction of any constitutional point is.

It is often said that ours is a government of checks and balances. But this should only mean that these checks and balances obtain as among the several different kinds of representatives of the people—judicial, executive, and legislative—to whom the people have delegated certain portions of their power. It does not mean that the people have parted with their power or cannot resume it. The "division of powers" is merely the division among the representatives of the powers delegated to them; the term must not be held to mean that the people have divided their power with their delegates. The power is the people's, and only the people's. It is right and proper that provision should be made rendering it necessary for the people to take ample time to make up their minds on any point; but there should also be complete provision to have their decision put into immediate and living effect when it has thus been deliberately and definitely reached.

I hold it to be the duty of every public servant, and of every man who in public or private life holds a position of leadership in thought or action, to endeavor honestly and fearlessly to guide his fellow countrymen to right decisions; but I emphatically dissent from the view that it is either wise or necessary to try to devise methods which under the Constitution will automatically prevent the people from deciding for themselves what governmental action they deem just and proper.

It is impossible to invent constitutional devices which will

prevent the popular will from being effective for wrong without also preventing it from being effective for right.

The only safe course to follow in this great American democracy is to provide for making the popular judgment really effective.

When this is done, then it is our duty to see that the people, having the full power, realize their heavy responsibility for exercising that power aright.

But it is a false constitutionalism, a false statesmanship, to endeavor by the exercise of a perverted ingenuity to seem to give the people full power and at the same time to trick them out of it. Yet this is precisely what is done in every case where the State permits its representatives, whether on the bench or in the legislature or in executive office, to declare that it has not the power to right grave social wrongs, or that any of the officers created by the people, and rightfully the servants of the people, can set themselves up to be the masters of the people. Constitution-makers should make it clear beyond shadow of doubt that the people in their legislative capacity have the power to enact into law any measure they deem necessary for the betterment of social and industrial conditions. The wisdom of framing any particular law of this kind is a proper subject of debate; but the power of the people to enact the law should not be subject to debate. To hold the contrary view is to be false to the cause of the people, to the cause of American democracy.

Lincoln, with his clear vision, his ingrained sense of justice, and his spirit of kindly friendliness to all, forecast our present struggle and saw the way out. What he said should be pondered by capitalist and working man alike. He spoke as follows (I condense):

"I hold that while man exists it is his duty to improve not only his conditions but to assist in ameliorating mankind. Labor is prior to and independent of capital. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as

any other rights. Nor should this lead to a war upon property. Property is the fruit of labor. Property is desirable, is a positive good in the world. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."

This last sentence characteristically shows Lincoln's homely, kindly common sense. His is the attitude that we ought to take. He showed the proper sense of proportion in his relative estimates of capital and labor, of human rights and the rights of wealth. Above all, in what he thus said, as on so many other occasions, he taught the indispensable lesson of the need of wise kindliness and charity, of sanity and moderation, in the dealings of men one with another.

We should discriminate between two purposes we have in view. The first is the effort to provide what are themselves the ends of good government; the second is the effort to provide proper machinery for the achievement of these ends.

The ends of good government in our democracy are to secure by genuine popular rule a high average of moral and material well-being among our citizens.

It has been well said that in the past we have paid attention only to the accumulation of prosperity, and that from henceforth we must pay equal attention to the proper distinction of prosperity. This is true. The only prosperity worth having is that which affects the mass of the people. We are bound to strive for the fair distribution of prosperity. But it behooves us to remember that there is no use in devising methods for the proper distribution of prosperity unless the prosperity is there to distribute. I hold it to be our duty to see that the wage-worker, the small producer, the ordinary consumer, shall get their fair share of the benefit of business prosperity. But it either is or ought to be evident to every one that business has to prosper before anybody can get any benefit from it. Therefore I hold that he is the real Progressive, that he is the genuine champion of the people, who endeavors to shape the

policy alike of the nation and of the several States so as to encourage legitimate and honest business at the same time that he wars against all crookedness and injustice and unfairness and tyranny in the business world (for of course we can only get business put on a basis of permanent prosperity when the element of injustice is taken out of it).

This is the reason why I have for so many years insisted, as regards our National Government, that it is both futile and mischievous to endeavor to correct the evils of big business by an attempt to restore business conditions as they were in the middle of the last century, before railways and telegraphs had rendered larger business organizations both inevitable and desirable. The effort to restore such conditions, and to trust for justice solely to such proposed restoration, is as foolish as if we should attempt to arm our troops with the flintlocks of Washington's Continentals instead of with modern weapons of precision. Flintlock legislation, of the kind that seeks to prohibit all combinations, good or bad, is bound to fail, and the effort, in so far as it accomplishes anything at all, merely means that some of the worst combinations are not checked, and that honest business is checked.

What is needed is, first, the recognition that modern business conditions have come to stay, in so far at least as these conditions mean that business must be done in larger units, and then the cool-headed and resolute determination to introduce an effective method of regulating big corporations so as to help legitimate business as an incident to thoroughly and completely safeguarding the interests of the people as a whole.

We are a business people. The tillers of the soil, the wage-workers, the business men—these are the three big and vitally important divisions of our population. The welfare of each division is vitally necessary to the welfare of the people as a whole. The great mass of business is of course done by men whose business is either small or of moderate size. The middle-sized business men form an element of strength which is of literally incalculable value to the nation. Taken as a class,

they are among our best citizens. They have not been seekers after enormous fortunes; they have been moderately and justly prosperous, by reason of dealing fairly with their customers, competitors, and employees. They are satisfied with a legitimate profit that will pay their expenses of living and lay by something for those who come after, and the additional amount necessary for the betterment and improvement of their plant. The average business man of this type is, as a rule, a leading citizen of his community, foremost in everything that tells for its betterment, a man whom his neighbors look up to and respect; he is in no sense dangerous to his community, just because he is an integral part of his community, bone of its bone and flesh of its flesh. His life fibres are intertwined with the life fibres of his fellow citizens. Yet nowadays many men of this kind, when they come to make necessary trade agreements with one another, find themselves in danger of becoming unwitting transgressors of the law, and are at a loss to know what the law forbids and what it permits. This is all wrong. There should be a fixed governmental policy, a policy which shall clearly define and punish wrong-doing, and shall give in advance full information to any man as to just what he can and just what he cannot legally and properly do. It is absurd and wicked to treat the deliberate lawbreaker as on an exact par with the man eager to obey the law, whose only desire is to find out from some competent governmental authority what the law is and then live up to it. It is absurd to endeavor to regulate business in the interest of the public by means of long-drawn lawsuits without any accompaniment of administrative control and regulation, and without any attempt to discriminate between the honest man who has succeeded in business because of rendering a service to the public and the dishonest man who has succeeded in business by cheating the public.

So much for the small business man and the middle-sized business man. Now for big business.

It is imperative to exercise over big business a control and

supervision which is unnecessary as regards small business. All business must be conducted under the law, and all business men, big or little, must act justly. But a wicked big interest is necessarily more dangerous to the community than a wicked little interest. "Big business" in the past has been responsible for much of the special privilege which must be unsparingly cut out of our national life. I do not believe in making mere size of and by itself criminal. The mere fact of size, however, does unquestionably carry the potentiality of such grave wrongdoing that there should be by law provision made for the strict supervision and regulation of these great industrial concerns doing an interstate business, much as we now regulate the transportation agencies which are engaged in interstate business. The antitrust law does good in so far as it can be invoked against combinations which really are monopolies or which restrict production or which artificially raise prices. But in so far as its workings are uncertain, or as it threatens corporations which have not been guilty of antisocial conduct, it does harm. Moreover, it cannot by itself accomplish more than a trifling part of the governmental regulation of big business which is needed. The nation and the States must cooperate in this matter.

Among the States that have entered this field Wisconsin has taken a leading place. Following Senator La Follette, a number of practical workers and thinkers in Wisconsin have turned that State into an experimental laboratory of wise governmental action in aid of social and industrial justice. They have initiated the kind of progressive government which means not merely the preservation of true democracy, but the extension of the principle of true democracy into industrialism as well as into politics. One prime reason why the State has been so successful in this policy lies in the fact that it has done justice to corporations precisely as it has exacted justice from them. Its Public Utilities Commission in a recent report answered certain critics as follows:

"To be generous to the people of the State at the expense

of justice to the carriers would be a species of official brigandage that ought to hold the perpetrators up to the execration of all honest men. Indeed, we have no idea that the people of Wisconsin have the remotest desire to deprive the railroads of the State of aught that, in equality and good conscience, belongs to them, and if any of them have, their wishes cannot be gratified by this Commission."

This is precisely the attitude we should take toward big business. It is the practical application of the principle of the square deal.

Not only as a matter of justice, but in our own interest, we should scrupulously respect the rights of honest and decent business and should encourage it where its activities make, as they often do make, for the common good. It is for the advantage of all of us when business prospers. It is for the advantage of all of us to have the United States become the leading nation in international trade, and we should not deprive this nation, we should not deprive this people, of the instruments best adapted to secure such international commercial supremacy.

In other words, our demand is that big business give the people a square deal and that the people give a square deal to any man engaged in big business who honestly endeavors to do what is right and proper.

On the other hand, any corporation, big or little, which has gained its position by unfair methods and by interference with the rights of others, which has raised prices or limited output in improper fashion and been guilty of demoralizing and corrupt practices, should not only be broken up, but it should be made the business of some competent governmental body by constant supervision to see that it does not come together again, save under such strict control as to insure the community against all danger of a repetition of the bad conduct. The chief trouble with big business has arisen from the fact that big business has so often refused to abide by the principle of the square deal; the opposition which I personally have en-

countered from big business has in every case arisen, not because I did not give a square deal, but because I did.

All business into which the element of monopoly in any way or degree enters, and where it proves in practice impossible totally to eliminate this element of monopoly, should be carefully supervised, regulated, and controlled by governmental authority; and such control should be exercised by administrative, rather than by judicial, officers. No effort should be made to destroy a big corporation merely because it is big, merely because it has shown itself a peculiarly efficient business instrument. But we should not fear, if necessary, to bring the regulation of big corporations to the point of controlling conditions so that the wage-worker shall have a wage more than sufficient to cover the bare cost of living, and hours of labor not so excessive as to wreck his strength by the strain of unending toil and leave him unfit to do his duty as a good citizen in the community.

Where regulation by competition (which is, of course, preferable) proves insufficient, we should not shrink from bringing governmental regulation to the point of control of monopoly prices if it should ever become necessary to do so, just as in exceptional cases railway rates are now regulated.

In emphasizing the part of the administrative department in regulating combinations and checking absolute monopoly, I do not, of course, overlook the obvious fact that the legislature and the judiciary must do their part. The legislature should make it more clear exactly what methods are illegal, and then the judiciary will be in a better position to punish adequately and relentlessly those who insist on defying the clear legislative decrees.

I do not believe any absolute private monopoly is justified, but if our great combinations are properly supervised, so that immoral practices are prevented, absolute monopoly will not come to pass, as the laws of competition and efficiency are against it.

The important thing is this: that, under such government

recognition as we may give to that which is beneficent and wholesome in large business organizations, we shall be most vigilant never to allow them to crystallize into a condition which shall make private initiative difficult. It is of the utmost importance that in the future we shall keep the broad path of opportunity just as open and easy for our children as it was for our fathers during the period which has been the glory of America's industrial history—that it shall be not only possible but easy for an ambitious man, whose character has so impressed itself upon his neighbors that they are willing to give him capital and credit, to start in business for himself, and, if his superior efficiency deserves it, to triumph over the biggest organization that may happen to exist in his particular field. Whatever practices upon the part of large combinations may threaten to discourage such a man, or deny to him that which in the judgment of the community is a square deal, should be specifically defined by the statutes as crimes. And in every case the individual corporation officer responsible for such unfair dealing should be punished.

We grudge no man a fortune which represents his own power and sagacity exercised with entire regard to the welfare of his fellows. We have only praise for the business man whose business success comes as an incident to doing good work for his fellows. But we should so shape conditions that a fortune shall be obtained only in honorable fashion, in such fashion that its gaining represents benefit to the community.

In a word, then, our fundamental purpose must be to secure genuine equality of opportunity. No man should receive a dollar unless that dollar has been fairly earned. Every dollar received should represent a dollar's worth of service rendered. No watering of stocks should be permitted; and it can be prevented only by close governmental supervision of all stock issues, so as to prevent overcapitalization.

We stand for the rights of property, but we stand even more for the rights of man.

We will protect the rights of the wealthy man, but we main-

tain that he holds his wealth subject to the general right of the community to regulate its business use as the public welfare requires.

We also maintain that the nation and the several States have the right to regulate the terms and conditions of labor, which is the chief element of wealth, directly in the interest of the common good. It is our prime duty to shape the industrial and social forces so that they may tell for the material and moral upbuilding of the farmer and the wage-worker, just as they should do in the case of the business man. You framers of this constitution be careful so to frame it that under it the people shall leave themselves free to do whatever is necessary in order to help the farmers of the State to get for themselves and their wives and children not only the benefits of better farming but also those of better business methods and better conditions of life on the farm.

Moreover, shape your constitutional action so that the people will be able through their legislative bodies, or, failing that, by direct popular vote, to provide workmen's compensation acts, to regulate the hours of labor for children and for women, to provide for their safety while at work, and to prevent overwork or work under unhygienic or unsafe conditions. See to it that no restrictions are placed upon legislative powers that will prevent the enactment of laws under which your people can promote the general welfare, the common good. Thus only will the "general welfare" clause of our Constitution become a vital force for progress, instead of remaining a mere phrase. This also applies to the police powers of the government. Make it perfectly clear that on every point of this kind it is your intention that the people shall decide for themselves how far the laws to achieve their purposes shall go, and that their decision shall be binding upon every citizen in the State, official or non-official, unless, of course, the Supreme Court of the nation in any given case decides otherwise.

So much for the ends of government; and I have, of course, merely sketched in outline what the ends should be. Now for

the machinery by which these ends are to be achieved; and here again remember I only sketch in outline and do not for a moment pretend to work out in detail the methods of achieving your purposes. Let me at the outset urge upon you to remember that, while machinery is important, it is easy to overestimate its importance; and, moreover, that each community has the absolute right to determine for itself what that machinery shall be, subject only to the fundamental law of the nation as expressed in the Constitution of the United States. Massachusetts has the right to have appointive judges who serve during good behavior, subject to removal, not by impeachment, but by simple majority vote of the two houses of the legislature whenever the representatives of the people feel that the needs of the people require such removal. New York has the right to have a long-term elective judiciary. Ohio has the right to have a short-term elective judiciary without the recall. California, Oregon, and Arizona have each and every one of them the right to have a short-term elective judiciary with the recall. Personally, of the four systems I prefer the Massachusetts one, if addition be made to it as I hereinafter indicate; but that is merely my preference; and neither I nor any one else within or without public life has the right to impose his preference upon any community when the question is as to how that community chooses to arrange for its executive, legislative, or judicial functions. But as you have invited me to address you here, I will give you my views as to the kind of governmental machinery which at this time and under existing social and industrial conditions it seems to me that as a people we need.

In the first place, I believe in the short ballot. You cannot get good service from the public servant if you cannot see him, and there is no more effective way of hiding him than by mixing him up with a multitude of others so that they are none of them important enough to catch the eye of the average, workaday citizen. The crook in public life is not ordinarily the man whom the people themselves elect directly to a highly

important and responsible position. The type of boss who has made the name of politician odious rarely himself runs for high elective office; and if he does and is elected, the people have only themselves to blame. The professional politician and the professional lobbyist thrive most rankly under a system which provides a multitude of elective officers of such divided responsibility and of such obscurity that the public knows, and can know, but little as to their duties and the way they perform them. The people have nothing whatever to fear from giving any public servant power so long as they retain their own power to hold him accountable for his use of the power they have delegated him. You will get best service where you elect only a few men, and where each man has his definite duties and responsibilities, and is obliged to work in the open, so that the people know who he is and what he is doing, and have the information that will enable them to hold him to account for his stewardship.

I believe in providing for direct nominations by the people, including therein direct preferential primaries for the election of delegates to the national nominating conventions. Not as a matter of theory, but as a matter of plain and proved experience, we find that the convention system, while it often records the popular will, is also often used by adroit politicians as a method of thwarting the popular will. In other words, the existing machinery for nominations is cumbrous, and is not designed to secure the real expression of the popular desire. Now, as good citizens we are all of us willing to acquiesce cheerfully in a nomination secured by the expression of a majority of the people, but we do not like to acquiesce in a nomination secured by adroit political management in defeating the wish of the majority of the people.

I believe in the election of United States senators by direct vote. Just as actual experience convinced our people that Presidents should be elected (as they now are in practice, although not in theory) by direct vote of the people instead of by indirect vote through an untrammelled electoral college, so

actual experience has convinced us that senators should be elected by direct vote of the people instead of indirectly through the various legislatures.

I believe in the initiative and the referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative. Here again I am concerned not with theories but with actual facts. If in any State the people are themselves satisfied with their present representative system, then it is of course their right to keep that system unchanged; and it is nobody's business but theirs. But in actual practice it has been found in very many States that legislative bodies have not been responsive to the popular will. Therefore I believe that the State should provide for the possibility of direct popular action in order to make good such legislative failure. The power to invoke such direct action, both by initiative and by referendum, should be provided in such fashion as to prevent its being wantonly or too frequently used. I do not believe that it should be made the easy or ordinary way of taking action. In the great majority of cases it is far better that action on legislative matters should be taken by those specially delegated to perform the task; in other words, that the work should be done by the experts chosen to perform it. But where the men thus delegated fail to perform their duty, then it should be in the power of the people themselves to perform the duty.

In a recent speech Governor McGovern of Wisconsin has described the plan which has been there adopted. Under this plan the effort to obtain the law is first to be made through the legislature, the bill being pushed as far as it will go; so that the details of the proposed measure may be thrashed over in actual legislative debate. This gives opportunity to perfect it in form and invites public scrutiny. Then, if the legislature fails to enact it, it can be enacted by the people on their own initiative, taken at least four months before election. Moreover, where possible, the question actually to be voted on by the people should be made as simple as possible.

In short, I believe that the initiative and referendum should be used, not as substitutes for representative government, but as methods of making such government really representative. Action by the initiative or referendum ought not to be the normal way of legislation; but the power to take it should be provided in the constitution, so that if the representatives fail truly to represent the people on some matter of sufficient importance to rouse popular interest, then the people shall have in their hands the facilities to make good the failure. And I urge you not to try to put constitutional fetters on the legislature, as so many constitution-makers have recently done. Such action on your part would invite the courts to render nugatory every legislative act to better social conditions. Give the legislature an entirely free hand; and then provide by the initiative and referendum that the people shall have power to reverse or supplement the work of the legislature should it ever become necessary.

As to the recall, I do not believe that there is any great necessity for it as regards short-term elective officers. On abstract grounds I was originally inclined to be hostile to it. I know of one case where it was actually used with mischievous results. On the other hand, in three cases in municipalities on the Pacific coast which have come to my knowledge it was used with excellent results. I believe it should be generally provided, but with such restrictions as will make it available only when there is a wide-spread and genuine public feeling among a majority of the voters.

There remains the question of the recall of judges. One of the ablest jurists in the United States, a veteran in service to the people, recently wrote me as follows on this subject:

"There are two causes of the agitation for the recall as applied to judges. First, the administration of justice has withdrawn from life and become artificial and technical. The recall is not so much a recall of judges from office as it is a recall of the administration of justice back to life, so that it shall become, as it ought to be, the most efficient of all agencies for

making this earth a better place to live in. Judges have set their rules above life. Like the Pharisees of old, they have said: 'The people be accursed, they know not the law' (that is our 'rule'). Courts have repeatedly defeated the aroused moral sentiment of a whole commonwealth. Take the example of the St. Louis boodlers. Their guilt was plain, and in the main confessed. The whole State was aroused and outraged. By an instinct that goes to the very foundation of all social order they demanded that the guilty be punished. The boodlers were convicted, but the Supreme Court of Missouri, never questioning their guilt, set their conviction aside upon purely technical grounds. The same thing occurred in California. Nero, fiddling over burning Rome, was a patriot and a statesman in comparison with judges who thus trifle with and frustrate the aroused moral sentiment of a great people, for that sentiment is politically the vital breath of both State and nation. It is to recall the administration of justice back from such practices that the recent agitation has arisen.

"Second, by the abuse of the power to declare laws unconstitutional the courts have become a lawmaking, instead of a law-enforcing, agency. Here again the settled will of society to correct confessed evils has been set at naught by those who place metaphysics above life. It is the courts, not the Constitutions, that are at fault. It is only by the process which James Russell Lowell, when answering the critics of Lincoln, called 'pettifogging the Constitution,' that Constitutions which were designed to protect society can thus be made to defeat the common good. Here again the recall is a recall of the administration of justice back from academical refinements to social service."

An independent and upright judiciary which fearlessly stands for the right, even against popular clamor, but which also understands and sympathizes with popular needs, is a great asset of popular government.

There is no public servant and no private man whom I place above a judge of the best type, and very few whom I rank be-

side him. I believe in the cumulative value of the law and in its value as an impersonal, disinterested basis of control. I believe in the necessity for the courts' interpretation of the law as law without the power to change the law or to substitute some other thing than law for it. But I agree with every great jurist, from Marshall downward, when I say that every judge is bound to consider two separate elements in his decision of a case, one the terms of the law, and the other the conditions of actual life to which the law is to be applied. Only by taking both of these elements into account is it possible to apply the law as its spirit and intent demand that it be applied. Both law and life are to be considered in order that the law and the Constitution shall become, in John Marshall's words, " a living instrument and not a dead letter." Justice between man and man, between the State and its citizens, is a living thing, whereas legalistic justice is a dead thing. Moreover, never forget that the judge is just as much the servant of the people as any other official. Of course he must act conscientiously. So must every other official. He must not do anything wrong because there is popular clamor for it, any more than under similar circumstances a governor or a legislator or a public-utilities commissioner should do wrong. Each must follow his conscience, even though to do so costs him his place. But in their turn the people must follow their conscience, and when they have definitely decided on a given policy they must have public servants who will carry out that policy.

Keep clearly in mind the distinction between the end and the means to attain that end. Our aim is to get the type of judge that I have described, to keep him on the bench as long as possible, and to keep off the bench and, if necessary, take off the bench, the wrong type of judge. In some communities one method may work well which in other communities does not work well, and each community should adopt and preserve or reject a given method according to its practical working.

Therefore the question of applying the recall in any shape is one of expediency merely. Each community has a right

to try the experiment for itself in whatever shape it pleases. Under the conditions set forth in the extract from the letter given above, I would personally have favored the recall of the judges both in California and in Missouri; for no damage that could have been done by the recall would have equalled the damage done to the community by judges whose conduct had revolted not only the spirit of justice, but the spirit of common sense.

I do not believe in adopting the recall save as a last resort, when it has become clearly evident that no other course will achieve the desired result.

But either the recall will have to be adopted or else it will have to be made much easier than it now is to get rid, not merely of a bad judge, but of a judge who, however virtuous, has grown so out of touch with social needs and facts that he is unfit longer to render good service on the bench.

It is nonsense to say that impeachment meets the difficulty. In actual practice we have found that impeachment does not work, that unfit judges stay on the bench in spite of it, and indeed because of the fact that impeachment is the only remedy that can be used against them. Where such is the actual fact it is idle to discuss the theory of the case. Impeachment as a remedy for the ills of which the people justly complain is a complete failure. A quicker, a more summary, remedy is needed; some remedy at least as summary and as drastic as that embodied in the Massachusetts constitution. And whenever it be found in actual practice that such remedy does not give the needed results, I would unhesitatingly adopt the recall.

But there is one kind of recall in which I very earnestly believe, and the immediate adoption of which I urge.

There are sound reasons for being cautions about the recall of a good judge who has rendered an unwise and improper decision. Every public servant, no matter how valuable—and not omitting Washington or Lincoln or Marshall—at times makes mistakes. Therefore we should be cautious about recalling the judge, and we should be cautious about interfering

in any way with the judge in decisions which he makes in the ordinary course as between individuals. But when a judge decides a constitutional question, when he decides what the people as a whole can or cannot do, the people should have the right to recall that decision if they think it wrong. We should hold the judiciary in all respect; but it is both absurd and degrading to make a fetich of a judge or of any one else. Abraham Lincoln said in his first inaugural:

"If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, . . . the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal. Nor is there in this view any assault upon the courts or the judges."

Lincoln actually applied in successful fashion the principle of the recall in the Dred Scott case. He denounced the Supreme Court for that iniquitous decision in language much stronger than I have ever used in criticising any court, and appealed to the people to recall the decision—the word "recall" in this connection was not then known, but the phrase exactly describes what he advocated. He was successful, the people took his view, and the decision was practically recalled. It became a dead letter without the need of any constitutional amendment.

In any contest to-day where the people stand for justice and the courts do not, the man who supports the courts against the people is untrue to the memory of Lincoln, and shows that he is the spiritual heir, not of the men who followed and supported Lincoln, but of the Cotton Whigs who supported Chief Justice Taney and denounced Lincoln for attacking the courts and the Constitution.

Under our Federal system the remedy for a wrong such as Abraham Lincoln described is difficult. But the remedy is not difficult in a State. What the Supreme Court of the nation decides to be law binds both the national and the State courts

and all the people within the boundaries of the nation. But the decision of a State court on a constitutional question should be subject to revision by the people of the State.

Again and again in the past justice has been scandalously obstructed by State courts declaring State laws in conflict with the Federal Constitution, although the Supreme Court of the nation had never so decided or had even decided in a contrary sense.

When the supreme court of the State declares a given statute unconstitutional, because in conflict with the State or the National Constitution, its opinion should be subject to revision by the people themselves. Such an opinion ought always to be treated with great respect by the people, and unquestionably in the majority of cases would be accepted and followed by them. But actual experience has shown the vital need of the people reserving to themselves the right to pass upon such opinion. If any considerable number of the people feel that the decision is in defiance of justice, they should be given the right by petition to bring before the voters at some subsequent election, special or otherwise, as might be decided, and after the fullest opportunity for deliberation and debate, the question whether or not the judges' interpretation of the Constitution is to be sustained. If it is sustained, well and good. If not, then the popular verdict is to be accepted as final, the decision is to be treated as reversed, and the construction of the Constitution definitely decided—subject only to action by the Supreme Court of the United States.

Many eminent lawyers who more or less frankly disbelieve in our entire American system of government for, by, and of the people, violently antagonize this proposal. They believe, and sometimes assert, that the American people are not fitted for popular government, and that it is necessary to keep the judiciary "independent of the majority or all of the people"; that there must be no appeal to the people from the decision of a court in any case; and that therefore the judges are to be established as sovereign rulers over the people.

I take absolute issue with all those who hold such a position. I regard it as a complete negation of our whole system of government; and if it became the dominant position in this country, it would mean the absolute upsetting of both the rights and the rule of the people.

If the American people are not fit for popular government, and if they should of right be the servants and not the masters of the men whom they themselves put in office, then Lincoln's work was wasted and the whole system of government upon which this great democratic Republic rests is a failure.

I believe, on the contrary, with all my heart that the American people are fit for complete self-government, and that, in spite of all our failings and shortcomings, we of this Republic have more nearly realized than any other people on earth the ideal of justice attained through genuine popular rule.

The position which these eminent lawyers take and applaud is of necessity a condemnation of Lincoln's whole life; for his great public career began, and was throughout conditioned by, his insistence, in the Dred Scott case, upon the fact that the American people were the masters and not the servants of even the highest court in the land, and were thereby the final interpreters of the Constitution. If the courts have the final say-so on all legislative acts, and if no appeal can lie from them to the people, then they are the irresponsible masters of the people. The only tenable excuse for such a position is the frank avowal that the people lack sufficient intelligence and morality to be fit to govern themselves. In other words, those who take this position hold that the people have enough intelligence to frame and adopt a constitution, but not enough intelligence to apply and interpret the Constitution which they have themselves made.

Those who take this position hold that the people are competent to choose officials to whom they delegate certain powers, but not competent to hold these officials responsible for the way they exercise these powers.

Now, the power to interpret is the power to establish; and

if the people are not to be allowed finally to interpret the fundamental law, ours is not a popular government.

The true view is that legislators and judges alike are the servants of the people, who have been created by the people just as the people have created the Constitution; and they hold only such power as the people have for the time being delegated to them. If these two sets of public servants disagree as to the amounts of power respectively delegated to them by the people under the Constitution, and if the case is of sufficient importance, then, as a matter of course, it should be the right of the people themselves to decide between them.

I do not say that the people are infallible. But I do say that our whole history shows that the American people are more often sound in their decisions than is the case with any of the governmental bodies to whom, for their convenience, they have delegated portions of their power.

If this is not so, then there is no justification for the existence of our government; and if it is so, then there is no justification for refusing to give the people the real, and not merely the nominal, ultimate decision on questions of constitutional law.

Just as the people, and not the Supreme Court under Chief Justice Taney, were wise in their decision of the vital questions of their day, so I hold that now the American people as a whole have shown themselves wiser than the courts in the way they have approached and dealt with such vital questions of our day as those concerning the proper control of big corporations and of securing their rights to industrial workers.

Here I am not dealing with theories; I am dealing with actual facts. In New York, in Illinois, in Connecticut, lamentable injustice has been perpetuated, often for many years, by decisions of the State courts refusing to permit the people of the States to exercise their right as a free people to do their duty as a conscientious people in removing grave wrong and social injustice.

These foolish and iniquitous decisions have almost always

been rendered at the expense of the weak; they have almost always been the means of putting a stop to the effort to remove burdens from wage-workers, to secure to men who toil on the farm and on the railway, or in the factory, better and safer conditions of labor and of life.

Often the judges who have rendered these decisions have been entirely well-meaning men, who, however, did not know life as they knew law, and who championed some outworn political philosophy which they assumed to impose on the people. Their associations and surroundings were such that they had no conception of the cruelty and wrong their decisions caused and perpetuated. Their prime concern was with the empty ceremonial of perfunctory legalism, and not with the living spirit of justice.

A typical case was the decision rendered but a few months ago by the court of appeals of my own State, the State of New York, declaring unconstitutional the Workmen's Compensation Act. In their decision the judges admitted the wrong and the suffering caused by the practices against which the law was aimed. They admitted that other civilized nations had abolished these wrongs and practices. But they took the ground that the Constitution of the United States, instead of being an instrument to secure justice, had been ingeniously devised absolutely to prevent justice. They insisted that the clause in the Constitution which forbade the taking of property without due process of law forbade the effort which had been made in the law to distribute among all the partners in an enterprise the effects of the injuries to life or limb of a wage-worker. In other words, they insisted that the Constitution had permanently cursed our people with impotence to right wrong, and had perpetuated a cruel iniquity; for cruel iniquity is not too harsh a term to use in describing the law which, in the event of such an accident, binds the whole burden of crippling disaster on the shoulders least able to bear it—the shoulders of the crippled man himself, or of the dead man's helpless wife and children.

No anarchist orator, raving against the Constitution, ever framed an indictment of it so severe as these worthy and well-meaning judges must be held to have framed if their reasoning be accepted as true.

But, as a matter of fact, their reasoning was unsound, and was as repugnant to every sound defender of the Constitution as to every believer in justice and righteousness. In effect, their decision was that we could not remedy these wrongs unless we amended the Constitution (not the Constitution of the State, but the Constitution of the nation) by saying that property could be taken without due process of law! It seems incredible that any one should be willing to take such a position. It is a position that has been condemned over and over again by the wisest and most far-seeing courts. In its essence it was reversed by the decision of State courts in States like Washington and Iowa, and by the Supreme Court of the nation in a case but a few weeks old.

I call this decision to the attention of those who shake their heads at the proposal to trust the people to decide for themselves what their own governmental policy shall be in these matters.

I know of no popular vote by any State of the Union more flagrant in its defiance of right and justice, more short-sighted in its inability to face the changed needs of our civilization, than this decision by the highest court of the State of New York. Many of the judges of that court I know personally, and for them I have a profound regard. Even for as flagrant a decision as this I would not vote for their recall; for I have no doubt the decision was rendered in accordance with their ideas of duty. But most emphatically I do wish that the people should have the right to recall the decision itself, and authoritatively to stamp with disapproval what cannot but seem to the ordinary plain citizen a monstrous misconstruction of the Constitution, a monstrous perversion of the Constitution into an instrument for the perpetuation of social and in-

dustrial wrong and for the oppression of the weak and helpless.

No ordinary amendment to the Constitution would meet this type of case; and intolerable delay and injustice would be caused by the effort to get such amendment—not to mention the fact that the very judges who are at fault would proceed to construe the amendment. In such a case the fault is not with the Constitution; the fault is in the judges' construction of the Constitution; and what is required is power for the people to reverse this false and wrong construction.

I wish I could make you visualize to yourselves what these decisions against which I so vehemently protest really represent of suffering and injustice.

I wish I had the power to bring before you the man maimed or dead, the women and children left to struggle against bitter poverty because the bread-winner has gone.

I am not thinking of the terminology of the decision, nor of what seem to me the hair-splitting and meticulous arguments elaborately worked out to justify a great and terrible miscarriage of justice. Moreover, I am not thinking only of the sufferers in any given case, but of the tens of thousands of others who suffer because of the way this case is decided.

In the New York case the railway employee who was injured was a man named, I believe, Ives. The court admits that by every moral consideration he was entitled to recover as his due the money that the law intended to give him. Yet the court by its decision forces that man to stagger through life maimed, and keeps the money that should be his in the treasury of the company in whose service, as an incident of his regular employment and in the endurance of ordinary risks, he lost the ability to earn his own livelihood.

There are thousands of Iveses in this country; thousands of cases such as this come up every year; and while this is true, while the courts deny essential and elementary justice to these men and give to them and the people in exchange for

justice a technical and empty formula, it is idle to ask me not to criticise them.

As long as injustice is kept thus intrenched by any court, I will protest as strongly as in me lies against such action.

Remember, when I am asking the people themselves in the last resort to interpret the law which they themselves have made, that after all I am only asking that they step in and authoritatively reconcile the conflicting decisions of the courts. In all these cases the judges and courts have decided every which way, and it is foolish to talk of the sanctity of a judge-made law which half of the judges strongly denounce.

If there must be decision by a close majority, then let the people step in and let it be their majority that decides.

According to one of the highest judges then and now on the Supreme Court of the nation, we had lived for a hundred years under a Constitution which permitted a national income tax, until suddenly by one vote the Supreme Court reversed its previous decisions for a century, and said that for a century we had been living under a wrong interpretation of the Constitution (that is, under a wrong Constitution), and therefore in effect established a new Constitution which we are now laboriously trying to amend so as to get it back to be the Constitution that for a hundred years everybody, including the Supreme Court, thought it to be.

When I was President, we passed a National Workmen's Compensation Act. Under it a railway man named Howard, I think, was killed in Tennessee, and his widow sued for damages. Congress had done all it could to provide the right, but the court stepped in and decreed that Congress had failed. Three of the judges took the extreme position that there was no way in which Congress could act to secure the helpless widow and children against suffering, and that the man's blood and the blood of all similar men when spilled should forever cry aloud in vain for justice.

This seems a strong statement, but it is far less strong than the actual facts; and I have difficulty in making the statement

with any decree of moderation. The nine justices of the Supreme Court on this question split into five fragments. One man, Justice Moody, in his opinion stated the case in its broadest way and demanded justice for Howard, on grounds that would have meant that in all similar cases thereafter justice and not injustice should be done. Yet the court, by a majority of one, decided as I do not for one moment believe the court would now decide, and not only perpetuated a lamentable injustice in the case of the man himself, but set a standard of injustice for all similar cases.

Here again I ask you not to think of the mere legal formalism, but to think of the great immutable principles of justice, the great immutable principles of right and wrong, and to ponder what it means to men dependent for their livelihood, and to the women and children dependent upon these men, when the courts of the land deny them the justice to which they are entitled.

Now, gentlemen, in closing and in thanking you for your courtesy, let me add one word. Keep clearly in view what are the fundamental ends of government. Remember that methods are merely the machinery by which these ends are to be achieved. I hope that not only you and I but all our people may ever remember that while good laws are necessary, while it is necessary to have the right kind of governmental machinery, yet that the all-important matter is to have the right kind of man behind the law.

A State cannot rise without proper laws, but the best laws that the wit of man can devise will amount to nothing if the State does not contain the right kind of man, the right kind of woman.

A good constitution, and good laws under the constitution, and fearless and upright officials to administer the law—all these are necessary; but the prime requisite in our national life is, and must always be, the possession by the average citizen of the right kind of character.

Our aim must be the moralization of the individual, of the

government, of the people as a whole. We desire the moralization not only of political conditions but of industrial conditions, so that every force in the community, individual and collective, may be directed toward securing for the average man, and average woman, a higher and better and fuller life, in the things of the body no less than those of the mind and the soul.

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THE NOMINATION FOR PRESIDENT[1]

GENTLEMEN:

I deeply appreciate your letter, and I realize to the full the heavy responsibility it puts upon me, expressing as it does the carefully considered convictions of the men elected by popular vote to stand as the heads of government in their several States.

I absolutely agree with you that this matter is not one to be decided with any reference to the personal preferences or interests of any man, but purely from the standpoint of the interests of the people as a whole.

I will accept the nomination for President if it is tendered to me, and I will adhere to this decision until the convention has expressed its preference.

One of the chief principles for which I have stood, and for which I now stand, and which I have always endeavored and always shall endeavor to reduce to action, is the genuine

[1] This letter, dated New York, Feb. 24, 1912, was a response to the petition sent to Mr. Roosevelt by the governors of West Virginia, Nebraska, New Hampshire, Wyoming, Michigan, Kansas, Missouri; dated Chicago, February 10, 1912. The petition was as follows:

We, the undersigned Republican Governors, assembled for the purpose of considering what will best insure the continuation of the Republican Party as a useful agency of good government, declare it our belief, after a careful investigation of the facts, that a large majority of the Republican voters of the country favor your nomination, and a large majority of the people favor your election as the next President of the United States.

We believe that your candidacy will insure success in the next campaign. We believe that you represent as no other man represents those principles and policies upon which we must appeal for a majority of the votes of the American people, and which, in our opinion, are necessary for the happiness and prosperity of the country.

We believe that, in view of this public demand, you should soon

rule of the people, and therefore I hope that so far as possible the people may be given the chance, through direct primaries, to express their preference as to who shall be the nominee of the Republican Presidential Convention.

Very truly yours,

THEODORE ROOSEVELT.

declare whether, if the nomination for the presidency comes to you unsolicited and unsought, you will accept it.

In submitting this request we are not considering your personal interests. We do not regard it as proper to consider either the interests or the preference of any man as regards the nomination for the presidency. We are expressing our sincere belief and best judgment as to what is demanded of you in the interests of the people as a whole, and we feel that you would be unresponsive to a plain public duty if you should decline to accept the nomination coming as the voluntary expression of the wishes of a majority of the Republican voters of the United States through the action of their delegates in the next National Convention.

Yours truly,

WILLIAM E. GLASSCOCK,
CHESTER H. ALDRICH,
ROBERT P. BASS,
JOSEPH M. CAREY,
CHASE S. OSBORN,
W. R. STUBBS,
HERBERT S. HADLEY.

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THE RIGHT OF THE PEOPLE TO RULE[1]

THE great fundamental issue now before the Republican party and before our people can be stated briefly. It is, Are the American people fit to govern themselves, to rule themselves, to control themselves? I believe they are. My opponents do not. I believe in the right of the people to rule. I believe the majority of the plain people of the United States will, day in and day out, make fewer mistakes in governing themselves than any smaller class or body of men, no matter what their training, will make in trying to govern them. I believe, again, that the American people are, as a whole, capable of self-control and of learning by their mistakes. Our opponents pay lip-loyalty to this doctrine; but they show their real beliefs by the way in which they champion every device to make the nominal rule of the people a sham.

I have scant patience with this talk of the tyranny of the majority. Wherever there is tyranny of the majority, I shall protest against it with all my heart and soul. But we are to-day suffering from the tyranny of minorities. It is a small minority that is grabbing our coal-deposits, our water-powers, and our harbor fronts. A small minority is battening on the sale of adulterated foods and drugs. It is a small minority that lies behind monopolies and trusts. It is a small minority that stands behind the present law of master and servant, the sweat-shops, and the whole calendar of social and industrial injustice. It is a small minority that is to-day using our convention system to defeat the will of a majority of the people in the choice of delegates to the Chicago Convention.

[1] Address at Carnegie Hall, New York City, March 20, 1912.

The only tyrannies from which men, women, and children are suffering in real life are the tyrannies of minorities.

If the majority of the American people were in fact tyrannous over the minority, if democracy had no greater self-control than empire, then indeed no written words which our forefathers put into the Constitution could stay that tyranny.

No sane man who has been familiar with the government of this country for the last twenty years will complain that we have had too much of the rule of the majority. The trouble has been a far different one—that, at many times and in many localities, there have held public office in the States and in the nation men who have, in fact, served not the whole people, but some special class or special interest. I am not thinking only of those special interests which by grosser methods, by bribery and crime, have stolen from the people. I am thinking as much of their respectable allies and figureheads, who have ruled and legislated and decided as if in some way the vested rights of privilege had a first mortgage on the whole United States, while the rights of all the people were merely an unsecured debt.

Am I overstating the case? Have our political leaders always, or generally, recognized their duty to the people as anything more than a duty to disperse the mob, see that the ashes are taken away, and distribute patronage? Have our leaders always, or generally, worked for the benefit of human beings, to increase the prosperity of all the people, to give to each some opportunity of living decently and bringing up his children well? The questions need no answer.

Now there has sprung up a feeling deep in the hearts of the people—not of the bosses and professional politicians, not of the beneficiaries of special privilege—a pervading belief of thinking men that when the majority of the people do in fact, as well as theory, rule, then the servants of the people will come more quickly to answer and obey, not the commands of the special interests, but those of the whole people. To reach toward that end the Progressives of the Republican party in

certain States have formulated certain proposals for change in the form of the State government—certain new "checks and balances" which may check and balance the special interests and their allies. That is their purpose. Now turn for a moment to their proposed methods.

First, there are the "initiative and referendum," which are so framed that if the legislatures obey the command of some special interest, and obstinately refuse the will of the majority, the majority may step in and legislate directly. No man would say that it was best to conduct all legislation by direct vote of the people—it would mean the loss of deliberation, of patient consideration—but, on the other hand, no one whose mental arteries have not long since hardened can doubt that the proposed changes are needed when the legislatures refuse to carry out the will of the people. The proposal is a method to reach an undeniable evil. Then there is the recall of public officers—the principle that an officer chosen by the people who is unfaithful may be recalled by vote of the majority before he finishes his term. I will speak of the recall of judges in a moment—leave that aside—but as to the other officers, I have heard no argument advanced against the proposition, save that it will make the public officer timid and always currying favor with the mob. That argument means that you can fool all the people all the time, and is an avowal of disbelief in democracy. If it be true—and I believe it is not—it is less important than to stop those public officers from currying favor with the interests. Certain States may need the recall, others may not; where the term of elective office is short it may be quite needless; but there are occasions when it meets a real evil, and provides a needed check and balance against the special interests.

Then there is the direct primary—the real one, not the New York one—and that, too, the Progressives offer as a check on the special interests. Most clearly of all does it seem to me that this change is wholly good—for every State. The system of party government is not written in our constitutions, but

it is none the less a vital and essential part of our form of government. In that system the party leaders should serve and carry out the will of their own party. There is no need to show how far that theory is from the facts, or to rehearse the vulgar thieving partnerships of the corporations and the bosses, or to show how many times the real government lies in the hands of the boss, protected from the commands and the revenge of the voters by his puppets in office and the power of patronage. We need not be told how he is thus intrenched nor how hard he is to overthrow. The facts stand out in the history of nearly every State in the Union. They are blots on our political system. The direct primary will give the voters a method ever ready to use, by which the party leader shall be made to obey their command. The direct primary, if accompanied by a stringent corrupt-practices act, will help break up the corrupt partnership of corporations and politicians.

My opponents charge that two things in my programme are wrong because they intrude into the sanctuary of the judiciary. The first is the recall of judges; and the second, the review by the people of judicial decisions on certain constitutional questions.

I have said again and again that I do not advocate the recall of judges in all States and in all communities. In my own State I do not advocate it or believe it to be needed, for in this State our trouble lies not with corruption on the bench, but with the effort by the honest but wrong-headed judges to thwart the people in their struggle for social justice and fair dealing. The integrity of our judges from Marshall to White and Holmes—and to Cullen and many others in our own State—is a fine page of American history.

But—I say it soberly—democracy has a right to approach the sanctuary of the courts when a special interest has corruptly found sanctuary there; and this is exactly what has happened in some of the States where the recall of the judges is a living issue. I would far more willingly trust the whole

people to judge such a case than some special tribunal—perhaps appointed by the same power that chose the judge—if that tribunal is not itself really responsible to the people and is hampered and clogged by the technicalities of impeachment proceedings.

I have stated that the courts of the several States—not always but often—have construed the "due process" clause of the State constitutions as if it prohibited the whole people of the State from adopting methods of regulating the use of property so that human life, particularly the lives of the working men, shall be safer, freer, and happier. No one can successfully impeach this statement. I have insisted that the true construction of "due process" is that pronounced by Justice Holmes in delivering the unanimous opinion of the Supreme Court of the United States, when he said:

"The police power extends to all the great public need. It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare."

I insist that the decision of the New York court of appeals in the Ives case, which set aside the will of the majority of the people as to the compensation of injured workmen in dangerous trades, was intolerable and based on a wrong political philosophy. I urge that in such cases where the courts construe the due process clause as if property rights, to the exclusion of human rights, had a first mortgage on the Constitution, the people may, after sober deliberation, vote, and finally determine whether the law which the court set aside shall be valid or not. By this method can be clearly and finally ascertained the preponderant opinion of the people which Justice Holmes makes the test of due process in the case of laws enacted in the exercise of the police power. The ordinary methods now in vogue of amending the Constitution have in actual practice proved wholly inadequate to secure justice in such cases with reasonable speed, and cause intolerable delay and injustice, and those who stand against the changes I pro-

pose are champions of wrong and injustice, and of tyranny by the wealthy and the strong over the weak and the helpless.

So that no man may misunderstand me, let me recapitulate:

(1) I am not proposing anything in connection with the Supreme Court of the United States, or with the Federal Constitution.

(2) I am not proposing anything having any connection with ordinary suits, civil or criminal, as between individuals.

(3) I am not speaking of the recall of judges.

(4) I am proposing merely that in a certain class of cases involving police power, when a State court has set aside as unconstitutional a law passed by the legislature for the general welfare, the question of the validity of the law—which should depend, as Justice Holmes so well phrases it, upon the prevailing morality or preponderant opinion—be submitted for final determination to a vote of the people, taken after due time for consideration.

And I contend that the people, in the nature of things, must be better judges of what is the preponderant opinion than the courts, and that the courts should not be allowed to reverse the political philosophy of the people. My point is well illustrated by a recent decision of the Supreme Court, holding that the court would not take jurisdiction of a case involving the constitutionality of the initiative and referendum laws of Oregon. The ground of the decision was that such a question was not judicial in its nature, but should be left for determination to the other co-ordinate departments of the government. Is it not equally plain that the question whether a given social policy is for the public good is not of a judicial nature, but should be settled by the legislature, or in the final instance by the people themselves?

The President of the United States, Mr. Taft, devoted most of a recent speech to criticism of this proposition. He says that it "is utterly without merit or utility, and, instead of being . . . in the interest of all the people, and of the stability of popular government, is sowing the seeds of confusion

and tyranny." (By this he, of course, means the tyranny of the majority, that is, the tyranny of the American people as a whole.) He also says that my proposal (which, as he rightly sees, is merely a proposal to give the people a real, instead of only a nominal, chance to construe and amend a State constitution with reasonable rapidity) would make such amendment and interpretation "depend on the feverish, uncertain, and unstable determination of successive votes on different laws by temporary and changing majorities"; and that "it lays the axe at the root of the tree of well-ordered freedom, and subjects the guaranties of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate."

This criticism is really less a criticism of my proposal than a criticism of all popular government. It is wholly unfounded, unless it is founded on the belief that the people are fundamentally untrustworthy. If the Supreme Court's definition of due process in relation to the police power is sound, then an act of the legislature to promote the collective interests of the community must be valid, if it embodies a policy held by the prevailing morality or a preponderant opinion to be necessary to the public welfare.

This is the question that I propose to submit to the people. How can the prevailing morality or a preponderant opinion be better and more exactly ascertained than by a vote of the people? The people must know better than the court what their own morality and their own opinion is. I ask that you, here, you and the others like you, you the people, be given the chance to state your own views of justice and public morality, and not sit meekly by and have your views announced for you by well-meaning adherents of outworn philosophies, who exalt the pedantry of formulas above the vital needs of human life.

The object I have in view could probably be accomplished by an amendment of the State constitutions taking away from the courts the power to review the legislature's determination

of a policy of social justice, by defining due process of law in accordance with the views expressed by Justice Holmes of the Supreme Court. But my proposal seems to me more democratic and, I may add, less radical. For under the method I suggest the people may sustain the court as against the legislature, whereas, if due process were defined in the Constitution, the decision of the legislature would be final.

Mr. Taft's position is the position that has been held from the beginning of our government, although not always so openly held, by a large number of reputable and honorable men who, down at bottom, distrust popular government, and, when they must accept it, accept it with reluctance, and hedge it around with every species of restriction and check and balance, so as to make the power of the people as limited and as ineffective as possible.

Mr. Taft fairly defines the issue when he says that our government is and should be a government of all the people by a representative part of the people. This is an excellent and moderate description of an oligarchy. It defines our government as a government of all the people by a few of the people.

Mr. Taft, in his able speech, has made what is probably the best possible presentation of the case for those who feel in this manner. Essentially this view differs only in its expression from the view nakedly set forth by one of his supporters, Congressman Campbell. Congressman Campbell, in a public speech in New Hampshire, in opposing the proposition to give the people real and effective control over all their servants, including the judges, stated that this was equivalent to allowing an appeal from the umpire to the bleachers. Doubtless Congressman Campbell was not himself aware of the cynical truthfulness with which he was putting the real attitude of those for whom he spoke. But it unquestionably is their real attitude. Mr. Campbell's conception of the part the American people should play in self-government is that they should sit on the bleachers and pay the price of admission, but should have nothing to say as to the contest which is waged in the

arena by the professional politicians. Apparently Mr. Campbell ignores the fact that the American people are not mere onlookers at a game, that they have a vital stake in the contest, and that democracy means nothing unless they are able and willing to show that they are their own masters.

I am not speaking jokingly, nor do I mean to be unkind; for I repeat that many honorable and well-meaning men of high character take this view, and have taken it from the time of the formation of the nation. Essentially this view is that the Constitution is a straight-jacket to be used for the control of an unruly patient—the people.

Now, I hold that this view is not only false but mischievous, that our constitutions are instruments designed to secure justice by securing the deliberate but effective expression of the popular will, that the checks and balances are valuable as far, and only so far, as they accomplish that deliberation, and that it is a warped and unworthy and improper construction of our form of government to see in it only a means of thwarting the popular will and of preventing justice.

Mr. Taft says that "every class" should have a "voice" in the government. That seems to me a very serious misconception of the American political situation. The real trouble with us is that some classes have had too much voice. One of the most important of all the lessons to be taught and to be learned is that a man should vote, not as a representative of a class, but merely as a good citizen, whose prime interests are the same as those of all other good citizens. The belief in different classes, each having a voice in the government, has given rise to much of our present difficulty; for whosoever believes in these separate classes, each with a voice, inevitably, even although unconsciously, tends to work, not for the good of the whole people, but for the protection of some special class—usually that to which he himself belongs.

The same principle applies when Mr. Taft says that the judiciary ought not to be "representative" of the people in the sense that the legislature and the Executive are. This is

perfectly true of the judge when he is performing merely the ordinary functions of a judge in suits between man and man. It is not true of the judge engaged in interpreting, for instance, the due process clause—where the judge is ascertaining the preponderant opinion of the people (as Judge Holmes states it). When he exercises that function he has no right to let his political philosophy reverse and thwart the will of the majority. In that function the judge must represent the people or he fails in the test the Supreme Court has laid down. Take the Workmen's Compensation Act here in New York. The legislators gave us a law in the interest of humanity and decency and fair dealing. In so doing they represented the people, and represented them well. Several judges declared that law constitutional in our State, and several courts in other States declared similar laws constitutional, and the Supreme Court of the nation declared a similar law affecting men in interstate business constitutional; but the highest court in the State of New York, the court of appeals, declared that we, the people of New York, could not have such a law. I hold that in this case the legislators and the judges alike occupied representative positions; the difference was merely that the former represented us well and the latter represented us ill. Remember that the legislators promised that law, and were returned by the people partly in consequence of such promise. That judgment of the people should not have been set aside unless it were irrational. Yet in the Ives case the New York court of appeals praised the policy of the law and the end it sought to obtain; and then declared that the people lacked power to do justice!

Mr. Taft again and again, in quotations I have given and elsewhere through his speech, expresses his disbelief in the people when they vote at the polls. In one sentence he says that the proposition gives "powerful effect to the momentary impulse of a majority of an electorate and prepares the way for the possible exercise of the grossest tyranny." Elsewhere he speaks of the "feverish uncertainty" and "unstable determina-

tion" of laws by "temporary and changing majorities"; and again he says that the system I propose "would result in suppension or application of constitutional guaranties according to popular whim," which would destroy "all possible consistency" in constitutional interpretation. I should much like to know the exact distinction that is to be made between what Mr. Taft calls "the fitful impulse of a temporary majority" when applied to a question such as that I raise and any other question. Remember that under my proposal to review a rule of decision by popular vote, amending or construing, to that extent, the Constitution, would certainly take at least two years from the time of the election of the legislature which passed the act. Now, only four months elapse between the nomination and the election of a man as President, to fill for four years the most important office in the land. In one of Mr. Taft's speeches he speaks of "the voice of the people as coming next to the voice of God." Apparently, then, the decision of the people about the presidency, after four months' deliberation, is to be treated as "next to the voice of God"; but if, after two years of sober thought, they decide that women and children shall be protected in industry, or men protected from excessive hours of labor under unhygienic conditions, or wage-workers compensated when they lose life or limb in the service of others, then their decision forthwith becomes a "whim" and "feverish" and "unstable" and an exercise of "the grossest tyranny" and the "laying of the axe to the root of the tree of freedom."

It seems absurd to speak of a conclusion reached by the people after two years' deliberation, after thrashing the matter out before the legislature, after thrashing it out before the governor, after thrashing it out before the court and by the court, and then after full debate for four or six months, as "the fitful impulse of a temporary majority." If Mr. Taft's language correctly describes such action by the people, then he himself and all other Presidents have been elected by "the fitful impulse of a temporary majority"; then the constitu-

tion of each State, and the Constitution of the nation, have been adopted, and all amendments thereto have been adopted, by "the fitful impulse of a temporary majority." If he is right, it was "the fitful impulse of a temporary majority" which founded, and another fitful impulse which perpetuated, this nation.

Mr. Taft's position is perfectly clear. It is that we have in this country a special class of persons wiser than the people, who are above the people, who cannot be reached by the people, but who govern them and ought to govern them; and who protect various classes of the people from the whole people. That is the old, old doctrine which has been acted upon for thousands of years abroad; and which here in America has been acted upon sometimes openly, sometimes secretly, for forty years by many men in public and in private life, and I am sorry to say by many judges; a doctrine which has in fact tended to create a bulwark for privilege, a bulwark unjustly protecting special interests against the rights of the people as a whole. This doctrine is to me a dreadful doctrine; for its effect is, and can only be, to make the courts the shield of privilege against popular rights. Naturally, every upholder and beneficiary of crooked privilege loudly applauds the doctrine. It is behind the shield of that doctrine that crooked clauses creep into laws, that men of wealth and power control legislation. The men of wealth who praise this doctrine, this theory, would do well to remember that to its adoption by the courts is due the distrust so many of our wage-workers now feel for the courts. I deny that that theory has worked so well that we should continue it. I most earnestly urge that the evils and abuses it has produced cry aloud for remedy; and the only remedy is in fact to restore the power to govern directly to the people, and to make the public servant directly responsible to the whole people—and to no part of them, to no "class" of them.

Mr. Taft is very much afraid of the tyranny of majorities. For twenty-five years here in New York State, in our efforts

to get social and industrial justice, we have suffered from the tyranny of a small minority. We have been denied, now by one court, now by another, as in the Bakeshop Case, where the courts set aside the law limiting the hours of labor in bakeries —the "due process" clause again—as in the Workmen's Compensation Act, as in the Tenement-House Cigar-Factory Case —in all these and many other cases we have been denied by small minorities, by a few worthy men of wrong political philosophy on the bench, the right to protect our people in their lives, their liberty, and their pursuit of happiness. As for "consistency"—why, the record of the courts, in such a case as the income tax, for instance, is so full of inconsistencies as to make the fear expressed of "inconsistency" on the part of the people seem childish.

Well-meaning, short-sighted persons have held up their hands in horror at my proposal to allow the people themselves to construe the constitution which they themselves made. Yet this is precisely what the Association of the Bar of the City of New York proposed to do in the concurrent resolution which was introduced at their request into our legislature on January 16 last, proposing to amend the State constitution by a section reading as follows: "Nothing contained in this Constitution shall be construed to limit the powers of the legislature to enact laws" such as the Workmen's Compensation Act. In other words, the New York Bar Association is proposing to appeal to the people to construe the constitution in such a way as will directly reverse the court. They are proposing to appeal from the highest court of the State to the people. That is just what I propose to do; the difference is only one of method, not of purpose; my method will give better results, and will give them more quickly. The Bar Association by its action admits that the court was wrong, and sets to work to change the rule which it laid down. As Lincoln announced of the Dred Scott decision in his debates with Douglas: "Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably." Was

Lincoln wrong? Was the spirit of the nation that wiped out slavery "the fitful impulse of a temporary majority?"

Remember, I am not discussing the recall of judges—although I wish it distinctly understood that the recall is a mere piece of machinery to take the place of the unworkable impeachment which Mr. Taft in effect defends, and that if the days of Maynard ever came back again in the State of New York I should favor it. I have no wish to come to it; but our opponents, when they object to all efforts to secure real justice from the courts, are strengthening the hands of those who demand the recall. In a great many States there has been for many years a real recall of judges as regards appointments, promotions, reappointments, and re-elections; and this recall was through the turn of a thumbscrew at the end of a long-distance rod in the hands of great interests. I believe that a just judge would feel far safer in the hands of the people than in the hands of those interests.

I stand on the Columbus speech. The principles there asserted are not new, but I believe that they are necessary to the maintenance of free democratic government. The part of my speech in which I advocated the right of the people to be the final arbiters of what is due process of law in the case of statutes enacted for the general welfare will ultimately, I am confident, be recognized as giving strength and support to the courts instead of being revolutionary and subversive. The courts to-day owe the country no greater or clearer duty than to keep their hands off such statutes when they have any reasonably permissible relation to the public good. In the past the courts have often failed to perform this duty, and their failure is the chief cause of whatever dissatisfaction there is with the working of our judicial system. One who seeks to prevent the irrevocable commission of such mistakes in the future may justly claim to be regarded as aiming to preserve and not to destroy the independence and power of the judiciary.

My remedy is not the result of a library study of constitu-

tional law, but of actual and long-continued experience in the use of governmental power to redress social and industrial evils. Again and again earnest workers for social justice have said to me that the most serious obstacles that they have encountered during the many years that they have been trying to save American women and children from destruction in American industry have been the courts. That is the judgment of almost all the social workers I know, and of dozens of parish priests and clergymen, and of every executive and legislator who has been seriously attempting to use government as an agency for social and industrial betterment. What is the result of this system of judicial nullification? It was accurately stated by the court of appeals of New York in the employers' liability case, where it was calmly and judicially declared that the people under our Republican government are less free to correct the evils that oppress them than are the people of the monarchies of Europe.

To any man with vision, to any man with broad and real social sympathies, to any man who believes with all his heart in this great democratic Republic of ours, such a condition is intolerable. It is not government by the people, but mere sham government in which the will of the people is constantly defeated. It is out of this experience that my remedy has come; and let it be tried in this field. When, as the result of years of education and debate, a majority of the people have decided upon a remedy for an evil from which they suffer, and have chosen a legislature and executive pledged to embody that remedy in law, and the law has been finally passed and approved, I regard it as monstrous that a bench of judges shall then say to the people: "You must begin all over again. First amend your Constitution (which will take four years); second, secure the passage of a new law (which will take two years more); third, carry that new law over the weary course of litigation (which will take no human being knows how long); fourth, submit the whole matter over again to the very same judges who have rendered the decision to which you

object. Then, if your patience holds out and you finally prevail, the will of the majority of the people may have its way."

Such a system is not popular government, but a mere mockery of popular government. It is a system framed to maintain and perpetuate social injustice, and it can be defended only by those who disbelieve in the people, who do not trust them, and, I am afraid I must add, who have no real and living sympathy with them as they struggle for better things.

In lieu of it I propose a practice by which the will of a majority of the people, when they have determined upon a remedy, shall, if their will persists for a minimum period of two years, go straight forward until it becomes a ruling force of life. I expressly propose to provide that sufficient time be taken to make sure that the remedy expresses the will, the sober and well-thought-out judgment, and not the whim, of the people; but, when that has been ascertained, I am not willing that the will of the people shall be frustrated. If this be not a wise remedy, let those who criticise it propose a wise remedy, and not confine themselves to railing at government by a majority of the American people as government by the mob. To propose, as an alternative remedy, slight modifications of impeachment proceedings is to propose no remedy at all—it is to bid us to be content with chaff when we demand bread.

The decisions of which we complain are, as a rule, based upon the constitutional provision that no person shall be deprived of life, liberty, or property without due process of law. The terms "life, liberty, and property" have been used in the constitutions of the English-speaking peoples since Magna Carta. Until within the last sixty years they were treated as having specific meanings; "property" meant tangible property; "liberty" meant freedom from personal restraint, or, in other words, from imprisonment in its largest definition. About 1870 our courts began to attach to these terms new meanings. Now "property" has come to mean every right of value which a person could enjoy, and "liberty" has been made

to include the right to make contracts. As a result, when the State limits the hours for which women may labor, it is told by the courts that this law deprives them of their "liberty"; and when it restricts the manufacture of tobacco in a tenement, it is told that the law deprives the landlord of his "property." Now, I do not believe that any people, and especially our free American people, will long consent that the term "liberty" shall be defined for them by a bench of judges. Every people has defined that term for itself in the course of its historic development. Of course, it is plain enough to see that, in a large way, the political history of man may be grouped about these three terms, "life, liberty, and property." There is no act of government which cannot be brought within their definition, and if the courts are to cease to treat them as words having a limited, specific meaning, then our whole government is brought under the practically irresponsible supervision of judges. As against that kind of a government I insist that the people have the right, and can be trusted, to govern themselves. This our opponents deny; and the issue is sharply drawn between us.

If my critics would only show the same sober judgment of which they declare the people at large to be incapable, they would realize that my proposal is one of moderation and common sense. I wish to quote the remarks of William Draper Lewis, dean of the Law School of the University of Pennsylvania:

"To a lawyer the most interesting suggestion Colonel Roosevelt has made is to allow the people, after consideration, to re-enact legislation which a court decision has declared is contrary to some clause in the existing State constitution.

"Any one who has been asked to draft specific amendments to State constitutions will hesitate to condemn, without serious consideration, the suggestion made by Colonel Roosevelt. To take a concrete instance: The New York court of appeals declared the Workmen's Compensation Act, passed by the New York legislature, unconstitutional, as depriving in its operation

the employer of his property without due process of law. A number of amendments to the New York constitution, designed to validate a compensation act, have been drafted, and it is not unlikely that one of them will be adopted. Personally, one or more of these amendments having been shown to me, I cannot but feel that constitutional amendments, designed to meet particular cases, run the danger of being so worded as to produce far-reaching results not anticipated or desired by the people. Colonel Roosevelt's suggestion avoids this difficulty and danger. If a persistent majority of the people of New York State want a workmen's compensation act, they should have it. But, in order to obtain it, they should not be driven to pass an amendment to their State constitution which may have effects which they do not anticipate or desire. Let them pass on the act, as passed by the legislature, after a full knowledge that their highest court has unanimously expressed its opinion that the act is contrary to the State constitution which the people at a prior election have declared to be their fundamental law.

"I may not always approve of what the persistent majority wants. I might sometimes think the measure unwise. But that doesn't alter the right of that majority to enforce its will in government. The Roosevelt idea, it seems to me, supplies an instrument by which that majority can enforce its will in the most conservative way. It makes explosions unnecessary.

"I would have been very proud to have been the author of that plan, although I want to emphasize the fact that it involves no new principle, only a new method.

"I don't mind saying, however, that I think it unfortunate that it should have been proposed by Colonel Roosevelt. He is a man of such marked characteristics, and his place in the political world is such, that he arouses intense enthusiasm on the one hand, and intense animosity on the other. Because of this, the great idea which he has propounded is bound to be beclouded, and its adoption to be delayed. It is a pity that any-

thing so important should be confounded with any man's personality."

As regards the dean's last paragraph, I can only say that I wish somebody else whose suggestions would arouse less antagonism had proposed it; but nobody else did propose it, and so I had to. I am not leading this fight as a matter of æsthetic pleasure. I am leading because somebody must lead, or else the fight would not be made at all.

I prefer to work with moderate, with rational, conservatives, provided only that they do in good faith strive forward toward the light. But when they halt and turn their backs to the light, and sit with the scorners on the seats of reaction, then I must part company with them. We the people cannot turn back. Our aim must be steady, wise progress. It would be well if our people would study the history of a sister republic. All the woes of France for a century and a quarter have been due to the folly of her people in splitting into the two camps of unreasonable conservatism and unreasonable radicalism. Had pre-Revolutionary France listened to men like Turgot, and backed them up, all would have gone well. But the beneficiaries of privilege, the Bourbon reactionaries, the short-sighted ultra-conservatives, turned down Turgot; and then found that instead of him they had obtained Robespierre. They gained twenty years' freedom from all restraint and reform, at the cost of the whirlwind of the red terror; and in their turn the unbridled extremists of the terror induced a blind reaction; and so, with convulsion and oscillation from one extreme to another, with alternations of violent radicalism and violent Bourbonism, the French people went through misery toward a shattered goal. May we profit by the experiences of our brother republicans across the water, and go forward steadily, avoiding all wild extremes; and may our ultra-conservatives remember that the rule of the Bourbons brought on the Revolution, and may our would-be revolutionaries remember that no Bourbon was ever such a dangerous enemy of the people and of freedom as the professed friend of both,

Robespierre. There is no danger of a revolution in this country; but there is grave discontent and unrest, and in order to remove them there is need of all the wisdom and probity and deep-seated faith in and purpose to uplift humanity we have at our command.

Friends, our task as Americans is to strive for social and industrial justice, achieved through the genuine rule of the people. This is our end, our purpose. The methods for achieving the end are merely expedients, to be finally accepted or rejected according as actual experience shows that they work well or ill. But in our hearts we must have this lofty purpose, and we must strive for it in all earnestness and sincerity, or our work will come to nothing. In order to succeed we need leaders of inspired idealism, leaders to whom are granted great visions, who dream greatly and strive to make their dreams come true; who can kindle the people with the fire from their own burning souls. The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that the victory may be won. In the long fight for righteousness the watchword for all of us is spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind.

We, here in America, hold in our hands the hope of the world, the fate of the coming years; and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men. If on this new continent we merely build another country of great but unjustly divided material prosperity, we shall have done nothing; and we shall do as little if we merely set the greed of envy against the greed of arrogance, and thereby destroy the material well-being of all of us. To turn this government either into government by a plutocracy or government by a mob would be to repeat on a larger scale the lamentable fail-

ures of the world that is dead. We stand against all tyranny, by the few or by the many. We stand for the rule of the many in the interest of all of us, for the rule of the many in a spirit of courage, of common sense, of high purpose, above all in a spirit of kindly justice toward every man and every woman. We not merely admit, but insist, that there must be self-control on the part of the people, that they must keenly perceive their own duties as well as the rights of others; but we also insist that the people can do nothing unless they not merely have, but exercise to the full, their own rights. The worth of our great experiment depends upon its being in good faith an experiment—the first that has ever been tried—in true democracy on the scale of a continent, on a scale as vast as that of the mightiest empires of the Old World. Surely this is a noble ideal, an ideal for which it is worth while to strive, an ideal for which at need it is worth while to sacrifice much; for our ideal is the rule of all the people in a spirit of friendliest brotherhood toward each and every one of the people.

16

THE MEANING OF FREE GOVERNMENT

WHEN I say that I believe not only in the right of the people to rule, but in their duty to rule themselves and to refuse to submit to being ruled by others, I am not using a figure of speech, I am speaking of a vital issue which fundamentally affects our whole American life. I not merely admit but insist that in all government, and especially in popular government, there must be control; and, furthermore, that if control does not come from within it must come from without. Therefore it is essential that any people which engages in the difficult experiment of self-government should be able to practise self-control. There are peoples in the world which have proved by their lamentable experiences that they are not capable of this self-control; but I contend that the American people most emphatically are capable of it. I hold that in the long run, taken as a whole, our people can and will govern themselves a great deal better than any small set of men can govern them.

The attempt has recently been made to improve on Abraham Lincoln's statement that "this is a government of the people, for the people, by the people." As a substitute therefor it is proposed that this government shall hereafter be a government of the people, for the people, by a representative part of the people.

It is always a dangerous matter to try to improve on Lincoln when we deal with the rights and duties of the people, and this particular attempt at improvement is not a happy one. In substance it of course means nothing except that this is to be a

[1] Speech at St. Louis, Mo., March 28, 1912.

government of the whole people by a part of the people. We have had such a government in various parts of this Union from time to time, and stripped of verbiage it simply means a government of the people by the bosses; a government of the whole people against instead of for the interest of the whole people by a part of the people which does the bidding of the holders of political and financial privilege.

Now, I want each of you to consider this governmental proposition from his own individual standpoint. Our contention is that just as each individual wishes, and ought to wish, to rule his own life for himself, so that all individuals taken together—that is, the people—must wish themselves to rule their collective life and not to be ruled by others. Each of us wants to lead his own life himself. Is not that true of each of you? It certainly is true of me, and if I found it was not true of my sons I would feel like disinheriting them.

I want to lead my own life for myself and not to have any one else lead it for me or boss me in leading it, and those of you who are in my class—the parent class—you mothers and fathers, want to feel that way about your boys as they grow up. After the boy has gone out into the big world, if he is worth his salt, he will want to boss the job of leading his own life himself; and if you find that he wishes he had a guardian, or needs a guardian, you won't think much of him.

This does not mean that none of us will make mistakes; on the contrary, each of us will sometimes make mistakes. You will make them. I will make them. But the mistakes I make will be my own and not somebody else's; and I will know that they are mistakes and will cure them myself; whereas if somebody else was making them for me, maybe he and I would not agree as to what were mistakes and what were not, and in that case he could not cure them.

It is just the same way about the people as a whole. All of us, you and I, all of us together, want to rule ourselves, and we don't wish to have any body of outsiders rule us. That is what free government means. If people cannot rule them-

selves, then they are not fit for free government, and all talk about democracy is a sham.

And this is aside from the fact that in actual life here in the United States experience has shown that the effort to substitute for the genuine rule of the people something else always means the rule of privilege in some form or other, sometimes political privilege, sometimes financial privilege, often a mixture of both.

Whenever there is tyranny by the majority I shall certainly fight it. But the tyrannies from which we have been suffering in this country have, ninety-nine times out of a hundred, been tyrannies by a minority; that is, tyranny by privilege. Sometimes, as in the case of some public-utility franchise or other bit of grabbing by a few what belongs to the many, the tyranny is primarily commercial; at other times, it is primarily political. This, for instance, is true at the present day in those States where the people have been denied the right to vote at primaries in order to express their preferences for President.

In a government like ours, our representatives do not rule us in the sense that a monarchy or an aristocracy bears rule over the people. We, the people, rule ourselves, and what we really want from our representatives is that they shall manage the government for us along the lines we lay down, and shall do this with efficiency and in good faith. We welcome leadership and advice, of course, and we are content to let experts do the expert business to which we assign them without fussy interference from us. But the expert must understand that he is carrying out our general purpose and not substituting his own for it. The leader must understand that he leads us, that he guides us, by convincing us so that we will follow him or follow his direction. He must not get it into his head that it is his business to drive us or to rule us. His business is to manage the government for us.

To illustrate what I mean, take the Panama Canal under Colonel Goethals. That has been the biggest job of the kind ever undertaken by any nation, the biggest piece of engineering

work ever attempted in the world. After trying several experiments, we finally found in Colonel Goethals the man who could do the job, and we set him to work, and he has nearly done it—and no job of the size has ever been done better. We have been delighted to give him a free hand and let him manage the whole affair. But we first of all decided that we wanted a canal, and that we wanted it in Panama, and that we wanted it of a given type, and then set Colonel Goethals to work to realize those various wishes of ours.

Well, what is true of Colonel Goethals is true of all other public officials, from a justice of the peace and an alderman up to the President and the chief justice of the United States. There is not any one of them who is ruling us. We are ruling ourselves. Each one of them is managing his special bit of work in the public interest, just exactly as Colonel Goethals is managing the building of the Panama Canal in the public interest.

We rule ourselves, and we choose our representatives, not to rule us, but to manage the public business for us along the lines we have laid down and approved.

The men who disbelieve in the rule of the people, and who think that the people should be ruled by a part of them (for to call such a part "a representative part" is entirely meaningless), treat the Constitution as a strait-jacket for restraining an unruly patient—the people. We, on the contrary, treat the Constitution as an instrument designed to secure justice through giving full expression to the deliberate and well-though-out judgment of the people. They are false friends of the people, and enemies of true constitutional government, who endeavor to twist the Constitution aside from this purpose.

We are engaged at the present day in a great struggle for social and industrial justice in this country, and our chief opponents in this struggle are the powers of pillage, the powers that profit by privilege at the expense of the rights of the plain people as a whole. I advocate genuine popular rule in nation, in State, in city, in county, as offering the best possible means

for eliminating special privilege alike in politics and in business, and for getting a genuine equality of opportunity for every man to show the stuff there is in him. I do not demand equality of reward. There is wide inequality of service, and where this is the case it is but just that there should be inequality of reward, for it would be the rankest kind of injustice to reward the man who renders worthless service as well as we strive, however inadequately, to reward him who renders service that is literally priceless.

But I do ask that we endeavor so to shape our governmental policy as to bring about a measurable equality of opportunity for all men and all women so as to do justice to man and to woman, to big and to little, to rich and to poor.

I believe it is even more important for men to pay heed to their duties and to the rights of others than it is for them to pay heed to their own rights. But I believe also that they can only do their full duty when they enjoy fully their rights. I hold that we of this nation are false to our professions, false to the traditions handed down to us by the founders and the preservers of the Republic, if we do not make it in very truth a real republic, a democracy in fact as well as in name, a democracy where each man stands on his worth as a man and is judged as such; a democracy in which the people really rule themselves, where their representatives do not rule them but honestly and efficiently manage the government for them.

In our government we cannot permanently succeed unless the people really do rule. We have tried the other experiment. The present system means the rule of the powers of political and industrial privilege, and for that we propose to substitute the right of the people to rule themselves and their duty to rule so as to bring nearer the day when every man and every woman within the boundaries of this great land of ours shall have fair play, equal rights, shall receive and shall give justice, social and industrial, justice for every man, for every woman within our borders.

17

WHAT A PROGRESSIVE IS[1]

IN his recent speech at Philadelphia, President Taft stated that he was a Progressive, and this raises the question as to what a Progressive is. More is involved than any man's say-so as to himself. A well-meaning man may vaguely think of himself as a Progressive without having even the faintest conception of what a Progressive is.

Both vision and intensity of conviction must go to the make-up of any man who is to lead the forward movement, and mildly good intentions are utterly useless as substitutes. The essential difference, as old as civilized history, is between the men who with fervor and broad sympathy and imagination stand for the forward movement, the men who stand for the uplift and betterment of mankind, and who have faith in the people, on the one hand; and on the other hand, the men of narrow vision and small sympathy, who are not stirred by the wrongs of others. With these latter stand also those other men who distrust the people, and many of whom not merely distrust the people but wish to keep them helpless so as to exploit them for their own benefit. The difference has never been more accurately set forth than in a lecture by the great English writer, Mr. J. A. Froude, delivered some forty-five years ago, and running as follows:

"Two kinds of men . . . appear as leaders in time of change. . . . On one side there are the . . . men who have no confidence in the people—who have no passionate convictions—men who believe that all wholesome reforms proceed downward from the educated to the multitudes; who regard

[1] Address at Louisville, Ky., April 3, 1912.

with contempt, qualified by terror, appeals to the popular conscience or to popular intelligence.

"Opposite to these are the men of faith—and by faith I do not mean belief in dogmas, but belief in goodness, belief in justice, in righteousness. . . . They are not contented with looking for what may be useful or pleasant to themselves; they look by quite other methods for what is honorable, for what is good, for what is just. They believe that if they can find out that, then at all hazards, and in spite of all present consequences to themselves, that is to be preferred.

"When the air is heavy with impostors and men live only to make money, . . . and the kingdom of heaven is bought and sold, and all that is high and pure in man is smothered by corruption; fire of the same kind bursts out in higher natures with a fierceness which cannot be controlled; and confident in truth and right, they call fearlessly on the seven thousand in Israel who have not bowed the knee to Baal to rise and stand by them.

"They do not ask whether those whom they address have wide knowledge of history or science or philosophy; they ask rather that they shall be honest, that they shall be brave. . . . They know well that conscience is no exceptional privilege of the great or the cultivated, that to be generous and unselfish is no prerogative of rank or intellect."

We of to-day who stand for the Progressive movement here in the United States are not wedded to any particular kinds of machinery, save solely as means to the end desired. Our aim is to secure the real and not the nominal rule of the people. With this end in view, we purpose to do away with whatever in our government tends to secure to privilege, and to the great sinister special interests, a rampart from behind which they can beat back the forces that strive for social and industrial justice and frustrate the will of the people.

For this purpose we believe in securing for the people the direct election of United States senators exactly as the people have already secured in actual practice the direct election of

the President. We believe in securing for the people the right of nominating candidates for office, from the President down, by direct primaries, because the convention system, good in its day, has been twisted from its purpose, so that the delegates to the conventions when chosen under the present methods by pressure of money and patronage, often deliberately misrepresent instead of representing the popular will.

We believe in securing to the people the exercise of a real and not merely a nominal control over their representatives in office, this control to include the power to secure the enactment of laws which the people demand, and the rejection of laws to which the people are opposed if after due effort it is found impossible to get from the legislature and the courts a real representation of the deliberate popular judgment in these matters.

But these and kindred measures are merely machinery, and each community must judge for itself as to the machinery which its needs make necessary. The object, however, must be the same everywhere; that is, to give the people real control, and to have the people exercise this control in a spirit of the broadest sympathy and broadest desire to secure social and industrial justice for every man and woman, so that the work of all of us may be done, and the lives of all of us led, under conditions which will tend to increase the dignity, the worth, and the efficiency of each individual.

If in any State the courts, in addition to doing justice in the ordinary cases between man and man, have striven to help and not hamper the people in their efforts to secure social and industrial justice in a far broader sense for the people as a whole, then in that community there may be no need for change as regards them. But where, in any community, as in my own State of New York, for instance, the highest court of the State, because of its adherence to outworn, to dead and gone, systems of philosophy, and its lack of understanding of and sympathy with the living, the vital needs of those in the community whose needs are greatest, becomes a bulwark of

privilege and the most effective of all means for preventing the people from working in efficient fashion for true justice; then I hold that the people must themselves be given the power, after due deliberation and in constitutional fashion, to have their judgment made efficient and their interpretation of the Constitution made binding upon their servants, the judges, no less than upon their servants the legislators and executives.

Every man who fights fearlessly and effectively against special privilege in any form is to that extent a Progressive. Every man who, directly or indirectly, upholds privilege and favors the special interests, whether he acts from evil motives or merely because he is puzzle-headed or dull of mental vision, or lacking in social sympathy, or whether he simply lacks interest in the subject, is a reactionary.

Every man is to that extent a Progressive if he stands for any form of social justice, whether it be securing proper protection for factory girls against dangerous machinery, for securing a proper limitation of hours of labor for women and children in industry, for securing proper living conditions for those who dwell in the thickly crowded regions of our great cities, for helping, so far as legislation can help, all the conditions of work and life for wage-workers in great centres of industry, or for helping by the action both of the National and State Governments, so far as conditions will permit, the men and women who dwell in the open country to increase their efficiency both in production on their farms and in business arrangements for the marketing of their produce, and also to increase the opportunities to give the best possible expression to their social life.

The man is a reactionary, whatever may be his profession and no matter how excellent his intentions, who opposes these movements, or who, if in high place, takes no interest in them and does not earnestly lead them forward. When, in deference to the reactionaries in Congress, the President put a stop to the work of the Country Life Commission, so that for three years the National Government has done little but mark time,

or indeed to step backward, as regards this movement, then, no matter how good his intentions, his actions ranged him against the Progressive side. When the President supports those courts which declare that the people have no power to do social justice by enacting laws such as those I have above outlined, and when he opposes the effort to give to the sober judgment of the people due effect as against the decisions of a reactionary court, then he shows himself a reactionary. When the President characterizes a moderate proposal to render effective the sober judgment of the American people as against indefensible and reactionary court decisions in favor of the privileged classes as "laying the axe at the root of the tree of well-ordered freedom," then the President is standing against the sane and moderate movement for social justice; he is standing in favor of privilege; and he thereby ranks himself against the Progressives, against the cause of justice for the helpless and the wronged, and on the side of the reactionaries, on the side of the beneficiaries of privilege and injustice.

Four years ago the Progressives supported Mr. Taft for President, and he was opposed by such representatives of special privilege as Mr. Penrose, of Pennsylvania, Mr. Aldrich, of Rhode Island, Mr. Gallinger, of New Hampshire, and Messrs. Lorimer, Cannon, and McKinley, of Illinois, and he was opposed by practically all the men of the stamp of Messrs. Guggenheim and Evans in Colorado, Mr. Cox in Ohio, and Mr. Patrick Calhoun, of San Francisco. These men were not Progressives then and they do not pretend to be Progressives now. But unlike the President, they know who is a Progressive and who is not. They know that he is not a Progressive. Their judgment in this matter is good. After three and a half years of association with and knowledge of the President, these and their fellows are now the President's chief supporters; and they and the men who feel and act as they do in business and in politics, give him the great bulk of his strength. The President says that he is a Progressive. These men know him well, and have studied his actions for three

years, and they regard him as being precisely the kind of Progressive whom they approve; that is, as not a Progressive at all.

Now, the progressiveness that meets and merits the cordial approval of these gentlemen is not the kind of progressiveness which we on our side champion. However good the President's intentions, I believe that his actions have shown that he is entitled to the support of precisely these men. Take the most important bit of legislation enacted by the last Republican Congress—the rate bill. When this bill was submitted by the Administration it was a thoroughly mischievous measure, which would have undone the good work that has been accomplished in the control of the great railroads during the last twenty years. In that shape it was reported out of the Senate Committee by its ardent champion, Senator Aldrich. In that shape it was championed by all the representatives of privilege and special interest, and it received the earnest support of all those gentlemen whom I have mentioned who had it in their power to give such support. But the Progressives in the Senate amended the bill, against the determined opposition of the reactionary friends of the Administration. They made it a good bill by striking out the chief features of the bill as the reactionaries passed it. They made but one mistake. They left in the bill the provision for a commerce court, and in its actual workings this feature of the bill has proved thoroughly mischievous and should be repealed.

The gentlemen in question and their allies cordially approve the administration of the pure food and drug bill during the past three years, which has resulted in Doctor Wiley's resigning because, as he says in print, the situation had become intolerable and "the fundamental principles of the Food and Drug Act had one by one been paralyzed and discredited"; he specifically mentioned among the interests engaged in the manufacture of misbranded or adulterated foods which had escaped from the control of the bureau the interests engaged in "the manufacture of so-called whiskey from alcohol, colors,

and flavors." The gentlemen I have named and the great interests back of them, and their allies, like Mr. Tawney, of Minnesota, were responsible for the President's abandoning the Country Life and Conservation Commissions, which had cost the government nothing, and had rendered invaluable service to the country; and they also cordially approved the nomination of Mr. Ballinger to the position of secretary of the interior. For two years the Administration did everything in its power to undo the most valuable work that had been done in conservation, especially in securing to the people the right to regulate water-power franchise in the public interest. This effort became so flagrant, and the criticism so universal, that it was finally abandoned even by the Administration itself. As for the efforts to secure social justice in industrial matters, by securing child-labor legislation, for instance, the Administration simply abandoned them completely.

Alike in its action and in its inaction the conduct of the Administration during the last three years has been such as to merit the support and approval of Messrs. Aldrich, Gallinger, Penrose, Lorimer, Cox, Guggenheim, and the other gentlemen I have mentioned. I do not wonder that they support it; but I do not regard an administration which has merited and which receives such support as being entitled to call itself Progressive, no matter with what elasticity the word may be stretched. No men have been closer or more interested students of the career of President Taft than these men, no men better understand its real significance, no men better appreciate what the effect of the continuance of this Administration for another four years would mean. I believe that their judgment upon the Administration and upon what its continuance would mean to the people can be accepted; and I think that their judgment, as shown by the extreme recklessness of their actions in trying to secure the President's renomination, gives us an accurate gauge as to what the Administration merits from the people and what the action of the people should be.

There is no question that, in many States, these gentlemen and those now allied with them are well aware that the majority of the people are against them. But they have set themselves to work, by hook or by crook, to overcome that majority. Under ordinary circumstances, in an ordinary political contest among politicians of substantially the same stamp, they would undoubtedly prefer to follow the majority of the people. They do not do so in this instance because they realize fully that the interests they champion are antagonistic to the interests of the people, and that on this occasion the line-up is clean-cut between the people on one side, and on the other the political bosses and all who represent special privilege and the evil alliance of big business with politics.

The Republican party is now facing a great crisis. It is to decide whether it will be as in the days of Lincoln the party of the plain people, the party of progress, the party of social and industrial justice; or whether it will be the party of privilege and of special interest, the heir to those who were Lincoln's most bitter opponents, the party that represents the great interests within and without Wall Street which desire through their control over the servants of the public to be kept immune from punishment when they do wrong and to be given privileges to which they are not entitled.

The big business concern that is both honest and far-sighted will, I believe, in the end favor our effort to secure thoroughgoing supervision and control over industrial big business, just as we have now secured it over the business of interstate transportation and the business of banking under the national law.

We do not propose to do injustice to any man, but we do propose adequately to guarantee the people against injustice by the mighty corporations which make up the predominant and characteristic feature of modern industrial life. Prosperity can only permanently come to this country on a basis of honesty and of fair treatment for all. Those men of enormous wealth who bitterly oppose every species of effective control

by the people through their governmental agents over the business use of that wealth are, I verily believe, most short-sighted as to their own ultimate interests. They should welcome such effort, they should welcome every effort to make them observe and to assist them in observing the law, so that their activities shall be helpful and not harmful to the American people. Most surely if the wise and moderate control we advocate does not come, then some day these men or their descendants will have to face the chance of some movement of really dangerous and drastic character being directed against them. The very wealthy men who oppose this action illustrate the undoubted truth that some of the men who have the money touch, some of the men who can amass enormous fortunes, possess an ability as specialized and non-indicative of other forms of ability as the ability to play chess exceptionally well, or to add up four columns of figures at once. The men of wealth of this type are not only hostile to the interests of the country but hostile to their own interests; their great business ability is unaccompanied by even the slightest ability to read the signs of the times or understand the temper of the American people.

I stand for the adequate control, the real control, of all big business, and especially of all monopolistic big business where it proves unwise or impossible to break up the monopoly.

There is a grim irony in the effect that has been produced upon Wall Street by the complete breakdown of the prosecutions against various trusts, notably the Standard Oil and Tobacco Trusts, under the Sherman law. I have always insisted that while the Sherman law should be kept upon the books so as to be used wherever possible against monopolies, yet that it is by itself wholly unable to afford the relief demanded by the American people as against all the great corporations actually or potentially guilty of antisocial practices.

Wall Street was at first flurried by the decisions in the Oil and Tobacco Trust cases. But as regards the Sherman anti-trust law Wall Street has now caught up with the Administration. The President has expressed his entire satisfaction

with the antitrust law, and now that the result of the prosecutions under it has been to strengthen the Standard Oil and Tobacco Trusts, to increase the value of their stocks, and, at least in the case of the Standard Oil, to increase the price to the consumer, Wall Street is also showing, in practical fashion, its satisfaction with the workings of the law, by its antagonism to us who intend to establish a real control of big business, which shall not harm legitimate business, but which shall really, and not nominally, put a stop to the evil practices of evil combinations.

The President has stated that he distrusts "impulsive action" by the public. I certainly greatly prefer deliberate action by the public, and in every proposal I have ever made I have always provided for such deliberate action. But I prefer even impulsive action by the public to action by the politicians against the interests of the public, whether this action be taken in tricky haste or with tricky deliberation. The President has warned us against soap-box primaries. At least these primaries are better than the primaries which represented the "impulsive action" of the postmasters in States like Georgia, Florida, and South Carolina, when these "impulsive" postmasters held their conventions at the earliest possible date, so as to affect the result in other States of the Union where there is a genuine Republican party. I see by the press that in your own State the postmasters have been warned to resign their leadership in the party committees; but if the statements in the press are correct the resignations are not demanded with any "impulsiveness"; on the contrary, they have been asked with such leisurely deliberation that the day for holding the primaries will have passed before the request becomes effective. Now, gentlemen, if the newspaper reports are correct, such a request is a good deal worse than a sham.

We are in a period of change; we are fronting a great period of further change. Never was the need more imperative for men of vision who are also men of action. Disaster is ahead of us if we trust to the leadership of the men whose

hearts are seared and whose eyes are blinded, who believe that we can find safety in dull timidity and dull inaction. The unrest cannot be quieted by the ingenious trickery of those who profess to advance by merely marking time. It cannot be quieted by demanding only the prosperity which is to come to those who have much, in such quantity that some will drip through to those who have little. There must be material prosperity; they are enemies of all of us who wantonly or unwisely interfere with it or disregard it; but it can only come in permanent shape if obtained in accordance with, and not against, the spirit of justice and righteousness. Clouds hover above the horizon throughout the civilized world. But here in America the fault is our own if the sky above us is not clear. We have a continent on which to work out our destiny. Our people, our men and women, are fit to face the mighty days. If we fail, the failure will be lamentable; for not only shall we fail for ourselves, but our failure will wreck the fond desires of all, throughout the world, who look toward us with the eager hope that here, in this great Republic, it shall be proved from ocean to ocean that the people can rule themselves, and thus ruling can give liberty and do justice both to themselves and to others.

The present contest is but a phase of the larger struggle. Assuredly the fight will go on. Our opponents, representing the brute power of seated privilege, can only win by using the led captains of mercenary politics, and the crooked financiers who stand behind those led captains, and those newspapers which these financiers and politicians own, influence, or control. They can only win by playing upon the timidity or short-sightedness or the mere lack of knowledge of worthy citizens, and by misleading them into supporting for a moment the powers that prey, the powers of pillage, the dread powers that exploit the people for their own purpose and that turn popular government into a sinister sham.

Certain big men who, alas, have sometimes perverted the courts to their own uses now tell us that it is impious to speak

of the people's insisting upon justice being done by the courts. We answer that with all our might we will uphold the courts against lawlessness; and that we also intend to see that in their turn the courts give justice to all. We say, in the words of Lincoln, that we must prevent wrong "being done either by Congress or courts. The people of these United States are rightful masters of both Congress and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution."

We who stand for the cause of progress, for the cause of the uplift of humanity and the betterment of mankind, are pledged to eternal war against tyranny and wrong, by the few or by the many, by a plutocracy or by a mob. We stand for justice and for fair play. Fearless and confident, we face the coming years, for we know that ours are the banners of justice, and that all men who wish well to the people must fight under them.

We fight to make this country a better place to live in for those who have been harshly treated by fate; and if we succeed it will also be a better place to live in for those who have been well treated.

None of us can really prosper permanently if masses of our fellows are debased and degraded, if masses of men and women are ground down and forced to lead starved and sordid lives, so that their souls are crippled like their bodies and the fine edge of their every feeling blunted.

I ask that those of us to whom Providence, to whom fate has been kind, remember that each must be his brother's keeper, and that all must feel their obligation to the less fortunate who work beside us in the strain and press of our eager modern life. I ask justice for the weak for their sakes, and I ask it also for the sake of our own children, and of our children's children who are to come after us.

This country will not be a good place for any of us to live in if it is not a reasonably good place for all of us to live in.

When I plead the cause of the crippled brakeman on a railroad, of the overworked girl in a factory, of the stunted child toiling at inhuman labor, of all who work excessively or in unhealthy surroundings, of the family dwelling in the squalor of a noisome tenement, of the worn-out farmer in regions where the farms are worn out also; when I protest against the unfair profits of unscrupulous and conscienceless men or against the greedy exploitation of the helpless by the beneficiaries of privilege; in all these cases I am not only fighting for the weak, I am also fighting for the strong.

The sons of all of us will pay in the future if we of the present do not do justice in the present.

If the fathers cause others to eat bitter bread, the teeth of their own sons shall be set on edge.

Our cause is the cause of justice for all, in the interest of all. Surely there was never a more noble cause; surely there was never a cause in which it was better worth while to spend and be spent.

18

THE RECALL OF JUDICIAL DECISIONS[1]

IN the New York *World* of Thursday appears a detailed statement that some very eminent lawyers of New York have undertaken the formation of what they style the "Independent Judiciary Association." They propose, to use their own words, "to combat the spread of two ideas," namely, the recall of judges, and the referendum to the people of a certain class of cases of judicial decisions; and they assert, in President Taft's words, that these ideas "lay the axe at the root of the tree of well-ordered freedom." Many of the signers are distinguished men, standing high in their community; but we can gain a clew as to just what kind of well-ordered freedom they have in mind, the kind of "freedom" to the defense of which they are rushing, when we see among the signers of this call the names of attorneys for a number of corporations not distinguished for a high-keyed sense of civic duty, or for their disinterested conduct toward the public; such as, for instance, the Standard Oil Company, the Sugar Trust, the American Tobacco Company, the Metropolitan Traction Company of New York, and certain defunct corporations, the looting of which has passed into the history of financial and stock-jobbing scandal, and forms one of its blackest chapters. I find also the name of one of the attorneys for the Northern Securities Company, which some years ago was dissolved at the suit of the government, instituted by my direction; I notice the name of the attorney for the New York Stock Exchange; and I do not overlook that of a member of the bar of New York who some years ago was denounced

[1] Address at Philadelphia, Pa., April 10, 1912.

by the very papers now applauding him and his associates, as a retained accelerator of public opinion in favor of certain measures of the Metropolitan Street Railway Company, which at the time were under general denunciation in New York as "traction grabs." The head of the association is announced to be Mr. Choate; and one of the members is Mr. Milburn, who in 1904 was the head of the Parker Constitution Club, a similar body, with a similar purpose, namely, to uphold privilege and sustain the special interests against the cause of justice and against the interest of the people as a whole.

I hold absolutely to my conviction that some basis of accommodation must be found between the declared policy of the States on matters of social justice within the proper scope of regulation in the interest of health, of decent living and working conditions, and of morals, and the attempt of the courts to substitute their own ideas on these subjects for the declarations of the people, made through their elected representatives in the several States. But the action of these embattled attorneys for the defense of special interests, which has been taken in New York, reminds me of another and not dissimilar rally to the defense of so-called "constitutional freedom," which occurred in New York in another great popular struggle many years ago. The famous Dred Scott decision had been rendered by the Supreme Court. A wave of popular indignation was sweeping through the country against a law which permitted the slave-owner to pursue and recover a fugitive slave in the free States of the Union, and which placed the judicial machinery of those States at the service of the arrogant slave power. To stem this rising feeling throughout the country, a great mass-meeting was held in the city of New York. This is what Rhodes, the historian, says of the meeting:

"Ten thousand names signed the call for a Union meeting at New York City. It was large and enthusiastic; declared the fugitive-slave law constitutional; promised to support the execution of it, and deprecated the further agitation of slavery."

At the same time the Common Council of Chicago, speaking the sounder sentiment of the West and of the country at large, declared, and again I am using the words of Rhodes, the historian, that "the act for the recovery of fugitive slaves violated the Constitution of the United States and the law of God." And against this long reach of slavery for its escaped victim under the specious plea of constitutionalism the pulpits were ringing with protests—Wendell Phillips and Theodore Parker were pouring out their burning eloquence, and Faneuil Hall in Boston resounded with the appeals of Charles Sumner. The nation was aflame. But the meeting in New York City, which deprecated the further agitation of slavery, was cordial and "enthusiastic"; and the names of the prominent citizens who engineered it were as respectable as those of Mr. Choate and his associates, and the respectable men who took this position over half a century ago were not one whit better or worse than Messrs. Choate, Milburn, and their associates of the present day who stand in favor of the legalism which protects privilege and against equal justice for all, and the rights of the people as a whole.

I do not question the good purposes of some of these gentlemen. But they are intelligent men, trained in their profession; and some of them must have at least a smattering of knowledge of the constitutions of our own and other countries. On the assumption that they have both intelligence and knowledge, it is impossible to credit them with good faith in the fears that they have expressed as above quoted; except on the supposition that their long experience as attorneys for corporations has finally rendered them genuinely unable to understand justice, and genuinely unable to think of a judge except as an instrument devised to protect privilege against the rights of the people by invoking the technicalities of the law for the purpose of preventing the obtaining of justice under the law. This is a strong statement; and I would not make it of ordinary men who are misled by reading those New York papers owned or controlled by Wall Street and

who are misled by their belief in Mr. Choate and Mr. Milburn. As regards those citizens I have nothing to say except that I wish it were possible for them to have access to channels of information which were not wilfully poisoned. But with Messrs. Choate and Milburn and their associates the case is wholly different. These men are not to be excused on the plea of ignorance.

My proposal is for the exercise of the referendum by the people themselves in a certain class of decisions of constitutional questions in which the courts decide against the power of the people to do elementary justice. When men of trained intelligence call this "putting the axe to the tree of well-ordered freedom," it is quite impossible to reconcile their statements both with good faith and with even reasonably full knowledge of the facts.

All that is necessary to do in order to prove the absolute correctness of the statement I have just made is to call your attention to the plain and obvious facts in the case. In the first place, consider the present practice in various countries in which there is substantially the same well-ordered freedom as in our own land. For instance, take the republic of France and the great English-speaking commonwealths of the British Empire, England, Canada, Australia, all of which are governed by the Parliaments in substantially the same manner that we are governed. In every country I have named the decision of the legislature on constitutional questions is absolute and not subject to action by the judiciary; and whenever the courts make a decision which the legislature regards as establishing a construction of the constitution which is unwarranted, the legislature, if it chooses, can by law override that construction and establish its own construction of the constitution. Not long ago this very method was adopted in England. On that occasion the courts held that labor-unions could be treated as corporations and sued and money taken from them by process of law. Parliament at once passed a law overriding the decision and summarily declared that the con-

stitution should thereafter be construed by the courts in the directly opposite sense to the construction which they had adopted.

Now, Mr. Milburn is by birth an Englishman, and Mr. Choate has been ambassador to England, and it is quite impossible that they can be sincere in asserting that "well-ordered freedom" would be destroyed in this country by adopting a practice by no means as extreme (from the standpoint of giving the people instead of the courts the ultimate power to decide certain constitutional questions) as the practice which now obtains, and which always has obtained in England, in France since it was a republic, and just across our own border in Canada and in every province of Canada.

Either Messrs. Choate and Milburn hold that there is no "well-ordered freedom" in England, Scotland, in Australia, in Ontario, New Brunswick, or Manitoba, which is preposterous, or else they must admit that they are talking nonsense when they say that the adoption of my proposal would mean the destruction of "well-ordered freedom" in this country. There is no other alternative. If I could truthfully use less harsh language about the attitude of these gentlemen upon this question I would; the language I do use is merely descriptive.

Now, consider my proposal itself; and I shall illustrate it by two or three concrete cases which will show just what the attitude of these great corporation lawyers is on questions of fundamental justice as against special privilege. My proposal is merely to secure to the people the right which the Supreme Court, speaking through Mr. Justice Holmes, in the Oklahoma Bank Cases, say they undoubtedly should possess. My proposal is that the people shall have the power to decide for themselves, in the last resort, what legislation is necessary in exercising the police powers, the general welfare powers, so as to give expression to the general morality, the general opinion, of the people. In England, Canada, and the other countries I have mentioned, no one dreams that the court

has a right to express an opinion in such matters as against the will of the people shown by the action of the legislature. I do not propose to go as far as this. I do not propose to do in these matters what England, Canada, Australia, and France have always done, that is, make the legislature supreme over the courts in these cases. I merely propose to make legislature and court alike responsible to the sober and deliberate judgment of the people, who are masters of both legislature and courts.

This proposal is precisely and exactly in line with Lincoln's attitude toward the Supreme Court in the Dred Scott case, and with the doctrines he laid down for the rule of the people in his first inaugural as President. Messrs. Choate and Milburn well know that this is true; they well know that my position in no essential way differs from the principles laid down and acted upon by Abraham Lincoln in this matter. I am not dealing with any case of justice as between man and man, nor am I speaking of the Federal courts, which, because of the peculiar features of our Constitution, must be treated by themselves. Nor am I speaking of the recall of judges, a measure which I do not wish to see adopted in any community unless it proves impossible in any other way to get the judges to do justice—and I will add that nothing will so tend to strengthen the movement for the recall as action like this of Messrs. Choate and Milburn, and their associates, in seeking to buttress special privilege in the courts and to make them the bulwark of injustice instead of justice. I am seeking to introduce a system which will obviate the need of such a drastic measure as the recall. If in any case the legislature has passed a law under the police power for the purpose of promoting social and industrial justice and the courts declare it in conflict with the fundamental law of the State, the constitution as laid down by the people, then I propose that after due deliberation—for a period which could not be for less than two years after the passage of the original law—the people shall

themselves have the right to declare whether or not the proposed law is to be treated as constitutional.

It is a matter of mere terminology whether this is called a method of construing or applying the Constitution, or a quicker method of getting the Constitution amended. It is certainly far superior to the ordinary method of getting the Constitution amended, because it will apply merely to the case at issue, and therefore would be definite and clear in its action; whereas, actual experience with the Fourteenth Amendment to the National Constitution, for instance, has shown us that an amendment passed by the people with one purpose may be given by the courts a construction which makes it apply to wholly different purposes and in a wholly different manner. The Fourteenth Amendment has been construed by the courts to apply to a multitude of cases to which it is positive the people who passed the amendment had not the remotest idea of applying it.

Some of my opponents say that under my proposal there would be conflicting interpretations by the people of the Constitution. In the first place, this is mere guesswork on the part of our opponents. In the next place, the people could not decide in more conflicting fashion, could not possibly make their decisions conflict with one another to a greater degree, than has actually been the case with the courts. No popular vote could reverse an earlier popular vote more completely than was the case with the decisions of the Supreme Court in the Legal Tender Cases and the Income Tax Cases. At this moment the courts of Massachusetts, Iowa, and Washington, and the Supreme Court of the nation, construe clauses of the Constitution to permit one thing and the court of appeals in New York construes identically the same language to mean the direct reverse, and this not as regards unimportant matters, but as regards matters of vital importance to the welfare of hundreds of thousands of citizens, in cases like the Workmen's Compensation Act and the act limiting the hours of labor for women in factories.

The best way to test the merits of my proposal is to consider a few specimen cases to which it would apply. Within the last thirty years the court of appeals of New York has been one of the most formidable obstacles to social reform, one of the most formidable obstacles in the way of getting industrial justice, which men who strive for justice have had to encounter. Among very many other laws which this court has made abortive, or decided not to be laws on the ground that they conflicted with the Constitution, are the following:

1. The law for preventing the manufacture of tobacco in tenement-houses; the decision of the court in this case retarded by at least twenty years the work of tenement-house reform, and was directly responsible for causing hundreds of thousands of American citizens now alive to be brought up under conditions of reeking filth and squalor, which immeasurably decreased their chance of turning out to be good citizens. Yet this decision was rendered by perfectly well-meaning men who knew law, but who did not know life, and who, forsooth, based their decision on the ground that they would not permit legislation to interfere with the "sanctity of the home"—the home in question in many cases having precisely the "sanctity" that attaches to one room in which two large families, one with a boarder, live and work day and night, the tobacco they manufacture being surrounded with every kind of filth.

2. The courts held unconstitutional the law under which a girl was endeavoring to recover damages for the loss of her arm, taken off because dangerous machinery was not guarded. In this case the judges announced that they were "protecting the girl's liberty" to work where she would endanger life and limb if she chose! Of course, as the girl had no liberty save the "liberty" of starving or else of working under the dangerous conditions, the courts were merely protecting the liberty of her employer to endanger the lives of his employees, or kill or cripple them, with immunity to himself. I do not believe that in our entire history there is an instance in which

a majority of the voters have showed such tyranny and such callous indifference to the suffering of a minority as were shown by these doubtless well-meaning judges in this case.

3. When the legislature of New York passed a law limiting the hours of labor of women in factories to ten hours a day for six days a week, and forbade their being employed after nine in the evening and before six in the morning, the New York court of appeals declared it unconstitutional, and a malign inspiration induced them to state in their opinion that the time had come for courts "fearlessly" to interpose a barrier against such legislation. Fearlessly! The court fearlessly condemned helpless women to be worked at inhuman toil for hours so long as to make it impossible that they should retain health or strength; and "fearlessly" upheld the right of big factory owners and small sweat-shop owners to coin money out of the blood of the wretched women and girls whom they worked haggard for their own profit. To protect such wrong-doers was of course an outrage upon the decent and high-minded factory owners who did not wish to work the women and girls to an excessive degree, but who were forced to do so by the competition of the callous factory owners whom the court, by this decision, deliberately aided and abetted in their wrong-doing. Court after court in other States, including as conservative a State as Massachusetts, have declared such a law as this constitutional, yet the court of appeals in New York declared it unconstitutional. No popular majority vote could ever be more inconsistent with another popular majority vote than is the record of the court of appeals of New York in this matter when compared with the record of other courts in other States.

4. The Workmen's Compensation Act, but a year or two ago, was declared unconstitutional by the court of appeals of New York, although a directly reverse decision in precisely similar language had been rendered not only by the State courts of Iowa and Washington, but by the Supreme Court of the United States. Here again it is worth while to point out

that no vote by popular majority could render the Constitution more uncertain of construction than the court of appeals of New York rendered it by making the decision it did in the teeth of the decision of the Supreme Court and of other State courts; and throughout our history no decision by a majority of the people in any State has shown more flagrant disregard of the elementary rights of a minority, no popular vote has ever in any State more flagrantly denied justice, than was the case in this decision by the highest court of the State of New York, but a year or two ago.

Now, in these cases in New York under the plan I propose, the people of the State of New York, after due deliberation, would have had an opportunity to decide for themselves whether the constitution which they themselves made should or should not be so construed as to prevent them from doing elementary justice in these matters. Remember also that in this case the conflict was not only between the New York legislature and the New York court. The New York court also took square issue, in its construction of constitutional provisions, with the position taken by State courts elsewhere in the Union, and with the position taken by the Supreme Court of the United States.

It would be an absolute physical impossibility for the people of the State, voting at the polls, to have interpreted the constitution more mischievously than the court of appeals has repeatedly interpreted it during the last quarter of a century, as regards the class of cases which I am now considering.

My proposal is merely to give the people an effective constitutional weapon for use against wrong and injustice. Messrs. Choate and Milburn and their allies, in taking the position they do, nakedly champion vested wrong. They appear as the champions and apologists of privilege as against the mass of our people—the farmers, the working men, the small shopkeeper, the decent hard-working citizens of every grade. They defend the courts because the courts in these cases I have mentioned have done injustice, have decided

against the people, have decided in favor of the special interests and in favor of privilege. I do not question the good intentions of most of the great lawyers who take this attitude. But the only alternative to questioning their good intentions is to admit that their life-long association with corporations, the habits they have contracted by acting as highly paid special pleaders for privilege, for special interests and for vested wrong, and their utter ignorance of real life and of the needs of the people as a whole, have rendered them unfit to act as advisers of the public, unfit to know what justice is.

Messrs. Choate and Milburn and their associates in effect take the position that the people have not the right to secure workmen's compensation laws, or laws limiting the hours of labor for women in factories, or laws protecting workers from dangerous machinery, or laws making conditions decent in tenement-houses. It is a mere sham for any man to say that he approves of such laws so long as he upholds the courts in declaring them unconstitutional, so long as he fails to approve thoroughgoing action which will give the people power, with reasonable speed, to upset such court decision and to secure real and substantial justice. Messrs. Choate and Milburn say that we are "putting the axe to the root of the tree of well-ordered freedom," when we ask that New York—and every other State where there is need—take effective steps to provide such legislation as many other States of the Union already possess, and as almost every other civilized country outside of the United States has on the statute-books. A more absurd plea was never made than this plea that "well-ordered freedom" will be destroyed by doing justice to men, women, and children who are ground down by excessive toil under conditions ruinous to life and limb; and this, and precisely this, and nothing but this, is what our opponents say when their statement is stripped of verbiage. In this matter Messrs. Choate and Milburn and their associates appear as the attorneys of privilege, as special pleaders for special interests, and as the representatives of those great corporations that deny

justice to small competitors and to their employees and their customers; and they appear against the people as a whole, and are hostile to the essentials of justice.

Vermont is a State in which "well-ordered freedom" certainly obtains. Are Messrs. Choate and Milburn aware that in Vermont the actual practice about the judges is that they are appointed practically for life, but subject to recall, and therefore to a referendum on their actions, every two years? In that State the judges are elected by the legislature, and in practice the legislature always re-elects the judge as long as he wishes to serve, unless he proves unfaithful, when the principle of the recall is applied by the simple process of not re-electing him. In the last twenty or thirty years this has been done in but one case. In Vermont the judges are as upright and independent as any judges in the Union; but in constitutional cases such as those I have mentioned they do really represent, and not misrepresent, the people.

In short, Messrs. Choate and Milburn and their associates, if their language is to be accepted as sincere, know nothing of the position taken by courts and legislatures in other lands as regards these constitutional questions, know little as to what has been done in certain of our own States thereon, and know practically nothing about the needs of the immense bulk of their countrymen. They do not even know what is elementary knowledge among the men specially trained in constitutional law in their country; men like Dean Lewis, of the University of Pennsylvania Law School, and Professor Scofield, professor of law at the Northwestern Law School. In a recent article Professor Scofield has shown that the State courts of Illinois have behaved no better than the State courts of New York in these matters. He quotes the emphatic criticisms of these decisions of which I complain by the late Dean Thayer, of the Harvard Law School. He says that these decisions make of the law a weapon with which the strong can strike down the weak, that they make of the law not a shield to protect the people, but a sword to smite down the people; that

they are arbitrary, and that our protest against them represents one phase of the struggle against arbitrary power and in favor of the law of the land, and he sees that my proposal is merely to use a constitutional method to restore to the State law-making bodies the power which the Supreme Court of this nation says belongs to them.

There are sincere and well-meaning men of timid nature who are frightened by the talk of tyranny of the majority. Those worthy gentlemen are nearly a century behind the times. It is true that De Tocqueville, writing about eighty years ago, said that in this country there was great tyranny by the majority. His statement may have been true then, although certainly not to the degree he insisted, but it is not true now. That profound and keen thinker, Mr. James Bryce, in "The American Commonwealth" treats of this in his chapter on the "Tyranny of the Majority" by saying that it does not exist. His own words are that:

"It is no longer a blemish on the American system, and the charges against democracy from the supposed example of America are groundless. The fact that the danger once dreaded has now disappeared is no small evidence of the recuperative forces of the American Government, and the healthy tone of the American people."

I wish that our opponents, Mr. Taft, Mr. Choate, Mr. Milburn, Mr. Penrose, Mr. Guggenheim, Mr. Lorimer, and the rest of their companions, who so dread and distrust the American people, would in this matter copy the good faith and sanity of the learned and able ambassador from Great Britain.

I shall protest against the tyranny of the majority whenever it arises, just as I shall protest against every other form of tyranny. But at present we are not suffering in any way from the tyranny of the majority. We suffer from the tyranny of the bosses and of the special interests, that is, from the tyranny of minorities. Mr. Choate, Mr. Milburn, and their allies are acting as the servants and spokesmen of the special interests and are standing cheek by jowl with the worst repre-

sentatives of politics when they seek to keep the courts in the grasp of privilege and of the politicians; for this is all they accomplish when they prevent them from being responsible in proper fashion to the people. These worthy gentlemen speak as if the judges were somehow imposed on us by Heaven, and were responsible only to Heaven. As a matter of fact judges are human just like other people, and in this country they will either be chosen by the people and responsible to the people, or they will be chosen by, and responsible to, the bosses and the special interests and the political and financial beneficiaries of privilege. It is this last system which Mr. Choate and Mr. Milburn and their allies are by their actions upholding. In the course they are taking, they and the respectable men associated with them, are, in some cases certainly unconsciously, and in other cases I fear consciously, acting on behalf of the special interests, political and financial, and in favor of privilege, and against the interest of the plain people and against the cause of justice and of human right. In the long run this country will not be a good place for any of us to live in unless it is a reasonably good place for all of us to live in; and it will neither become nor remain a good place for all of us to live in if we permit our government to be turned aside from its original purpose and to become a government such as Mr. Taft, Mr. Choate, Mr. Lorimer, Mr. Milburn, Mr. Penrose, Mr. Guggenheim, and their allies wish to make it—a government by corporation attorneys on the bench and off the bench; and this without regard to whether particular individuals among these corporation attorneys mean well or mean ill, without regard to whether they are or are not conscious of the fact that they are really serving the cause of special privilege and not the cause of the people.

19

THE CASE AGAINST THE REACTIONARIES[1]

My Friends and Fellow Citizens:

I ADDRESS you as my fellow Republicans, but I also and primarily address you as fellow Americans, fellow citizens, for this has now become much more than an ordinary party fight. The issue is both simpler and larger than that involved in the personality of any man, or than that involved in any factional or in any ordinary party contest. We are standing for the great fundamental rights upon which all successful free government must be based. We are standing for elementary decency in politics. We are fighting for honesty against naked robbery; and where robbery is concerned the all-important question is not the identity of the man robbed, but the crime itself.

As far as Mr. Taft and I are personally concerned it little matters what the fate of either may be. But with Mr. Taft's acquiescence or by his direction, and in his interest, his followers have raised an issue which is all-important to this country. It is not a partisan issue; it is more than a political issue; it is a great moral issue. If we condone political theft, if we do not resent the kinds of wrong and injustice that injuriously affect the whole nation, not merely our Democratic form of government but our civilization itself cannot endure. If the methods adopted by the national committee are approved by the convention which is about to assemble, a great crime will have been committed. The triumph of such proceedings at the moment would mean the wreck of the Republican party; and if such proceedings became habitual, it would

[1] Speech at the Auditorium, Chicago, Ill., June 17, 1912.

mean the wreck of popular government. The actions of the Taft leaders in the national committee, taken with the active aid of Mr. Taft's private secretary and of one of Mr. Taft's Cabinet officers, are monstrous, and they should be indignantly condemned by the moral sentiment of the whole country.

To-night we come together to protest against a crime which strikes straight at the heart of every principle of political decency and honesty, a crime which represents treason to the people, and the usurpation of the sovereignty of the people by irresponsible political bosses, inspired by the sinister influences of moneyed privilege. We here in this hall are engaged not only in a fight for the rights of every decent Republican, we are engaged in a fight for the rights of every decent American whatsoever his party may be. And, oh, my friends, for one thing at least we should be profoundly grateful. We are more fortunate than our fathers in that there is no slightest tinge of sectionalism in the fight we are now waging. The principles for which we stand are as vital for the South as for the North, for the East as for the West. We make our appeal to all honest, far-sighted, and patriotic Americans, no matter where they may dwell.

When in February last I made up my mind that it was my duty to enter this fight, it was after long and careful deliberation. I had become convinced that Mr. Taft had definitely and completely abandoned the cause of the people and had surrendered himself wholly to the biddings of the professional political bosses and of the great privileged interests standing behind them. I had also become convinced that unless I did make the fight it could not be made at all, and that Mr. Taft's nomination would come to him without serious opposition. The event has justified both my beliefs. I very earnestly ask our fellow Progressives who have supported other candidates to remember that one of the cardinal principles of the doctrines which we hold in common is our duty normally, loyally, and in good faith to abide by the well-thought-out and honestly expressed action of a majority. The

overwhelming majority of the Republican Progressives have declared for me. It has become clear beyond shadow of doubt that if I had not made the Progressive fight it would have completely broken down, and there would have been no substantial opposition to the forces of reaction and of political crookedness. Let those Progressives who stand for principle and who are concerned with the fortunes of any particular man only as a means for securing the triumph of principle, ponder these facts and refrain in this crisis from playing into the hands of our enemies.

Mr. Taft at first denied that he represented the bosses. His denial was of little consequence, for his deeds belied his words. But I doubt if at present he would venture to repeat the denial. As it has become constantly more and more evident that the people are against him, he has more and more undisguisedly thrown himself into the arms of the bosses. Here in Chicago at this moment he has never had one chance of success save what was given him by the action of Messrs. Crane, Barnes, Brooker, Penrose, Murphy, Guggenheim, Mulvane, Smoot, New, and their associates in cheating the people out of their rights. He was beaten so overwhelmingly by the people themselves in the States where primaries were held that in the last State in which he spoke, in New Jersey, he permitted himself to be betrayed into the frank admission that he expected to be nominated because he believed the national committee would stand by him. One member of his own Cabinet, representing a State that has just repudiated him, has been working hand in glove with the other Taft members of the national committee, under the lead of Mr. Crane, of Massachusetts, Mr. Penrose, of Pennsylvania, of Mr. Mulvane, of Kansas, of Mr. Murphy, of New Jersey, and Mr. Scott, of West Virginia—all of whom have just been repudiated by their own States—to steal from the people the victory which the people have won. Last February it was evident that Mr. Taft was the accepted representative of the bosses, of the men who upheld the combination of crooked

politics and crooked business which has been the chief source not only of our political but of our social and industrial corruption. It has now, alas, become evident that Mr. Taft is willing to acquiesce in and to condone and to accept the fruits of any course of action on which these men embark, even though such action represent treason, as well as destruction, to the Republican party to which they nominally belong, and also treason to the cause of the American people as a whole.

Among the national committeemen who have taken part in this conspiracy there are a number of men who in the ordinary relations of life are doubtless decent and reputable. Probably these men excuse themselves to themselves for what they are now doing on the ground that they are not committing what the law recognizes as a crime. It may well be doubted whether on the whole our country does not suffer more from the misdeeds of men who recognize as binding on their consciences only the obligations of law-honesty, than it suffers from the misdeeds of actual criminals. Men like Messrs. Crane, of Massachusetts, Brooker, of Connecticut, and Nagel, of Missouri, who trail behind their bolder associates such as Messrs. Penrose, Murphy, and Mulvane, are doubtless genuinely shocked at the misconduct of a defaulting bank cashier or at the action of some small election official who on election day falsifies the returns. Yet the wrong to the American people, the damage to the country, by such action as these national committeemen have taken in deliberately seeking to nullify and overthrow the will of the people legitimately expressed as to their choice for President is infinitely greater than the wrong done by the tempted cashier or the bribed election official.

It has to me been both a sad and a strange thing to see men hitherto esteemed reputable take part in such action and to see it sustained by similar men outside. I suppose the explanation must be found in the fact that in the slow but general moral advance certain men lag a little behind the rate of progress of the community as a whole; and where their own real or fancied interests are concerned, such men fail to

recognize generally accepted standards of right and wrong until long after they have been recognized by the majority of their fellows. There was a period when piracy and wrecking were esteemed honorable occupations, and long after the community as a whole had grown to reprehend them there were still backward persons who failed to regard them as improper. In the same way, as late as thirty years ago, there were many men in public life who while they would refuse to receive a bribe did not think it objectionable to give a bribe; although now the sentiment in the community has grown so strong that it is no longer possible to excuse the bribe-giver any more than the bribe-taker.

In the same way there are still in certain parts of this country representatives of a class far from uncommon a quarter of a century ago, a class which regards an election as a game without rules in which it is merely a sign of cleverness to swindle and cheat. Evidently the majority of the men whose actions we complain of on the national committee still hold this attitude toward nominations, although some of them may have passed beyond it as regards elections. But on the committee, and associated with the men who assume to be respectable, there are certain representatives of Mr. Taft whose presence gives us cause to wonder whether there are not far worse influences behind the action of the committee than any at which I have guessed. Mr. Stevenson, of Colorado, has appeared on the committee, now holding the proxy of one of Mr. Taft's delegates, now that of another. Judge Ben B. Lindsey, in his book "The Beast and the Jungle," has given a very graphic account of Mr. Stevenson's political activities in Denver. I very greatly wish that every decent man in this country, every plain right-thinking citizen who is in doubt as to what the representatives of Mr. Taft have done on the national committee, would read this book of Judge Lindsey's. In especial, let him study the part in which Judge Lindsey refers to Mr. Stevenson, and then let him think for himself just what it means when Mr. Taft and his associates accept

the help of Mr. Stevenson, and import him from his own State of Colorado, to act for other States on the national committee, as one of the ablest men engaged in the movement to rob the people of their right to rule themselves.

Our opponents here in Chicago to-day have waged such a bitter and unscrupulous fight for the very reason that this is no ordinary factional contest. The big bosses who control the national committee represent not merely the led captains of mercenary politics but the great crooked financiers who stand behind these led captains. These political bosses are obnoxious in themselves, but they are even more obnoxious because they represent privilege in its most sordid and dangerous form. The majority of the national committee in deciding the cases before them have practised political theft in every form, from highway robbery to petty larceny; and political theft is as dishonest as, and more damaging than, ordinary theft. There is no law to reach the offenses they have committed, but morally these offenses are far more serious from the standpoint of the national interest than any of the ordinary commercial or political offenses which expose the perpetrators to be brought before the courts of justice. The committeemen responsible for such action need to be taught that the national committee was created to be the servant and not the master of the plain men and women who make up the bulk of the Republican party. The party belongs to the millions of the rank and file. It does not belong to the handful of politicians who have assumed fraudulently to upset the will of the rank and file. The action of these men is in no sense "regular," as they claim it to be. They in no way represent the people, they in no way represent the rank and file of the Republican party; and theft and dishonesty cannot give and never shall give a title to regularity.

One thousand and seventy-eight men are to meet here in convention to decide the future of the Republican party. At least seven out of eight of those among them who really represent the people are against the nomination of Mr. Taft. It is the duty of all of them, their first duty, to throw out of

the convention every man fraudulently seated there by the national committee. The fraudulent Taft delegates whom the national committee seated for instance from California, from Washington, from Indiana, from Kentucky, from Michigan, from Arizona, from Alabama, from Texas, represent nothing but the deliberate attempt by certain discredited bosses to upset the free and honest expression of the people's will. These fraudulent Taft delegates were beaten by the voters of Washington, of California, of Texas, of Arizona, of Indiana, of Kentucky, and then they were seated by the discredited political bosses who had just themselves been beaten by the people of their own States, in Massachusetts, in New Jersey, in Pennsylvania, in West Virginia, in Kansas, in Missouri! Messrs. Crane, Penrose, and Company were so discredited in the eyes of the Republicans of their own States that they were beaten as delegates to the convention, and yet they arrogate to themselves the right to seat in the convention the delegates whom the States of Washington, California, Arizona, Texas, and the rest have just beaten at the polls! If the convention proves false to the cause of the people, if it records the will of the bosses, whether yet unbeaten as in New York and Colorado, or beaten as in Massachusetts and New Jersey, Pennsylvania, and Kansas, it will wreck the Republican party, it will put back the cause of democracy, it will be false to every principle of honor and justice. It cannot with honesty or propriety stand in any shape or way for the action of the national committee, neither by accepting that committee's nominee for temporary chairman, nor by accepting its decision as to the seating and unseating of contested delegations.

The majority of the national committee has acted with deliberate dishonesty. A majority composed nearly half of politicians from Territories and States that never cast a Republican electoral vote, and nearly half of politicians who have just been repudiated at open primaries by the people of their own States, has stolen from the rank and file of the Republicans

from sixty to eighty lawfully elected delegates, has substituted for them an equal number of fraudulent delegates not elected by the people, and claims the right to nullify the will of the people by placing these fraudulent delegates on the temporary roll-call of the national convention, with the hope thereby of controlling it in the interest of the candidate and of the bosses, whom the people have just now emphatically repudiated.

This attempt to bind the convention by an act of deliberate dishonesty, this attempt to defraud of their rights the plain citizens of the Republican party, by the bosses whom that party has just repudiated, brings in question certain elementary principles which lie at the foundation not only of party procedure and party organization, but of free government and social order.

I hold that the convention itself is of right the only judge of the qualifications of its own members. From Washington, California, Arizona, Texas, Kentucky, Indiana, Alabama, and certain other States the people elected certain delegates who are legally and morally entitled to sit in the convention. The discredited politicians making up the majority of the national committee with the determination to nullify the will of the people have substituted for those men certain others who have not the slightest claim to seats in the convention.

A minority of the national committee, composed of honorable men, who have voted on every case strictly on its merits, have in each case protested strongly against the action of the majority, showing beyond the shadow of doubt that the men thrown off the temporary roll by the majority are entitled to seats by every consideration of law and of morals.

I have carefully examined the facts in these cases myself, and I say to you that there is no element of doubt that the men in question were honorably and lawfully chosen by the people, and that the effort of the majority to unseat them represents nothing but naked theft, carried on with the sole

and evil purpose of dishonestly substituting the will of the bosses for the deliberately expressed judgment of the people.

It is for the convention itself to decide these cases, and by the convention I mean the lawfully elected members of the convention. The men fraudulently put on the temporary roll by the dishonest action of the majority of the national committee must not be allowed to vote on their own cases, and to allow the beneficiaries of the theft to vote on one another's case is, of course, to allow them really to vote on their own cases.

By every consideration of real justice, we are entitled to have these of whom I speak, who were elected by the people, put on the roll-call at once. But we do not ask this. Although we are deprived of our just rights when these men are not allowed to vote from the beginning, we ask merely that neither set of contestants be allowed to vote on any question before the convention until the thousand members of the convention whose seats have not been contested shall themselves decide which of the contested delegates are entitled to membership.

I believe that even with the addition of these fraudulently seated delegates Mr. Taft's supporters are in a substantial minority of the convention, and I do not merely believe, I know, that we have a large majority of the legally elected members of the convention. The question involved in the action of the national committee is of vastly more importance than my nomination or the nomination of any man. The whole system of the corrupt alliance between crooked business and crooked politics is at stake in the making up of this temporary roll; it has been made up crookedly by the majority of the national committee, with the purpose of perpetuating the rule of the corrupt political boss, even when the people have declared against him.

If these methods were allowed to prevail the Republican party would come to an end, for it would cease to be the party of the people. It would pass under the control of an oligarchy of the representatives of privilege, and no method of over-

throwing that control would remain available to the people. If this action by the majority of the national committee is allowed to stand, primaries are a farce and election the idle exercise of a useless privilege.

We refuse to recognize or abide by this theft of the rights of the people by the national committee. It is the duty of all honest members of the convention to fight that action from the moment the convention assembles. It is our duty to the rank and file of the Republican party, it is our duty to the people of this country to insist that no action of the convention which is based on the votes of these fraudulently seated delegates binds the Republican party or imposes any obligation upon any Republican.

The man nominated by the national committee as temporary chairman, whoever he may be, must, under these circumstances, be considered as merely an instrument chosen by them to put in effect their purposes. If such a man—whether he be Mr. Root or any one else, and whatever his previous career—is willing to accept an election by the aid of those fraudulently selected delegates, he at once becomes the representative of forces which no honorable man, no loyal Republican, can afford to see triumph, whether within the party or in our national life.

The big, evil politicians who are a curse to their land derive the major part of their strength from the fact that in any crisis a number of respectable men, although they oppose the evil, do it feebly and dare not carry the fight to the end. We who are in this fight are not feeble, and we intend to carry the fight to the end. We ask that, before the convention proceeds to organize, the groups of contested delegates stand aside and allow their title to be passed upon by the remaining uncontested delegates. This will be not only in strict accordance with common sense and justice, but in accordance with the practice prevalent under the rules of Congress in the organization of the House in the matter of contested seats.

We will abide by the decision of any honest and impartial

tribunal in this matter, but we will not permit the fraudulently seated delegates to sit as judges on their own cases, and perhaps as a result to overthrow in the interests of certain bosses and of the beneficiaries of privilege the clearly and deliberately expressed judgment of the plain citizens who make up the rank and file of the Republican party.

We rest our case, not only before the Republican voters, but before the American people, upon the proposition, first, that the national committee cannot defeat the wishes of the rank and file of the Republican voters by unseating delegates honestly elected and, second, that those who are dishonestly substituted for them by the national committee must not be permitted to vote on their own cases and to be the beneficiaries of fraud committed in their own behalf.

There never has been a clearer line-up than this between the plain people of the country on the one side, and on the other the powers that prey, the representatives of special privilege in the world of business and their tools and instruments in the world of politics. There can be no compromise in such a contest. It is natural that the representatives of special privilege, who know that special privilege cannot continue if the people really rule, should resort unblushingly to every kind of trickery and dishonesty in order to perpetuate their hold upon the party, and should be eager callously to destroy the party if necessary to prevent its being controlled by its rank and file. But for this very reason we feel we have a right solemnly to appeal to all honest men to stand with us on what has now become a naked issue of right and wrong. There can be no yielding, no flinching on our part. We have the people behind us overwhelmingly. We have justice and honesty on our side. We are warring against bossism, against privilege social and industrial; we are warring for the elemental virtues of honesty and decency, of fair dealing as between man and man; we are warring to save the Republican party; and the only reward for which we ask is to put our party

in such shape that it shall be of the highest possible service to the people of the United States.

Now let us consider what this fight has been for. The issue has been sharply drawn not merely by the words of Mr. Taft and of myself and of our supporters, but by our several actions. I have stood for the right of the people to rule and for their duty so to rule as to work for moral, political, and industrial justice. Mr. Taft has no less explicitly stood for a government of the people by what he calls a "representative part" of the people; and while he has of course stated in perfunctory fashion that he favors industrial justice, he has violently opposed every practical method advanced for actually doing away with industrial injustice, for actually driving privilege out of its intrenchments, and for actually equalizing opportunity. At the present moment we see before our eyes here in Chicago just exactly what Mr. Taft's doctrine of government of the people by a "representative part" of the people really amounts to. Eight years ago I received electoral votes from thirty-three States; in twenty of these States direct primaries have been held, or if not direct primaries at least primaries sufficient to give the people a reasonable chance to express their preferences. In these twenty States where the rank and file of the Republican party had a chance to express their preference I won two hundred and ninety-five delegates, Mr. Taft sixty-seven, Mr. La Follette thirty-six. That is, in those States which went Republican eight years ago, Mr. Taft obtained between one-seventh and one-eighth of the delegates where the people had a chance to express their will. These primary States are scattered everywhere throughout the country from Maine to California, and it is impossible to doubt that they give an accurate measure of what the vote in all the Republican States would be if the people had been allowed a chance to vote. But Mr. Taft's representatives, wherever possible, prevented the adoption of a primary law. They prevented it in Michigan, for instance, they prevented it in Montana. Without question Montana and

Michigan would have gone for us at least as strongly as Illinois and Oregon, had there been a primary law. Before the people of either State Mr. Taft did not stand the chance to get a single delegate. His led captains recognized this fact and prevented the people from voting; he and they distrusted the people, with reason; and, with equal reason, they trusted the professional politicians, and in Montana and Michigan Mr. Taft won delegates, to the snickering delight of every friend of privilege and bossism in the land, whose relish is peculiarly keen in seeing delegates won against the will of the people.

These Republican primary States cast over two-thirds of the Republican vote in the electoral college. In them the people spoke. They went overwhelmingly for me, and still more overwhelmingly against Mr. Taft. In the other States that went Republican eight years ago no primaries were held, and in all but one the politicians had nearly complete sway. In these States Mr. Taft secured one hundred and seventy-six votes, I secured forty, Mr. Cummins ten. Of the Republican States, therefore, I received the overwhelming majority of the delegates wherever the people could express themselves, and taking these States all told in spite of Mr. Taft's triumphs in the States where there were no real primaries I received four hundred and thirty-five delegates (including those which the national committee has stolen) as against the two hundred and forty-three for Mr. Taft, the thirty-six for Mr. La Follette, and the ten for Mr. Cummins. To put it in another way, I squarely carried twenty-one of the old Republican States, and these States cast two hundred and sixty-three votes in the electoral college—within three of a majority of the total electoral vote. Mr. Taft carried enough States (where there were no primaries) to give him eighty-two electoral votes; Mr. La Follette carried two States with eighteen electoral votes; Mr. Taft and Mr. Cummins divided one State with thirteen votes. There remain States which although Democratic at the last election contain a genuine Republican party,

States like North Carolina and Oklahoma, where there were primaries and where I carried every delegate except three.

It thus appears that in the Republican States Mr. Taft was beaten two to one, and that in the Republican States which hold primaries where the people could express their desires, he was beaten by over seven to one. I call your attention to one significant feature in the attitude of the Taft papers in chronicling Mr. Taft's victories and defeats. Whenever their head-lines announced a defeat for Mr. Taft it meant that there had been a vote by the people themselves in a primary State. Whenever during the last ten days they have announced a victory for Mr. Taft it has meant that Mr. Taft's representatives in the national committee have thrown out delegates elected by the people at large to represent them. My victories have been won before the people and by the people. Mr. Taft's have been won by the bosses and by the representatives of special privilege, by the national committee and by boss-controlled conventions of machine politicians. I carried Washington at the polls; he carried it before the national committee; he never has had, and has not now, a chance with the people; and I have just as little chance wherever the crooked type of politicians has power. If I am nominated it will be because whenever they have had a chance, the verdict of the people, expressed in millions of votes, has been over two to one in my favor. If Mr. Taft were nominated it would mean the ruin of the Republican party; for the roll-call of his delegates as prepared by the national committee consists, first of delegates from States that never cast a Republican electoral vote, second, of boss-controlled delegates from States where the Republican voters were not allowed to express their preference, third, of delegates stolen from me, and fourth, and least in importance, of the delegates given him by the people —the last, who are the only delegates to whom he has any claim in right or morals, representing but one-eighth of his strength, the other seven-eighths representing the unscrupulous use of patronage in the South, the unscrupulous tactics of un-

principled machine politicians in the North, and the naked thefts of the national committee.

Let me give you two striking illustrations of how Mr. Taft's theory of government of the people by a "representative part" of the people actually turns out to be in practice. In Ohio a primary was held for the district delegates; but the Taft managers who had control of the State central committee refused our request that there should also be a primary vote for the delegates at large. At the primary I beat Mr. Taft by forty-seven thousand in a vote which was about eighty per cent of that polled at the last election for governor. It was an overwhelming repudiation of Mr. Taft by the plain people, by the rank and file of the Republican party of Ohio. But this did not affect the State convention. Mr. Taft was not above sending an appeal to his leaders in the State convention begging them to give him the vote anyhow in spite of the way in which he had been repudiated by the polls. In that convention the county in which the city of Cleveland stands had some fifty delegates. That county had gone against Mr. Taft about three to one; he had even run behind Mr. La Follette. His repudiation by the people of the county had been so complete that it is to me literally incomprehensible how any man with any pretensions to honorable feeling could fail to accept the verdict. But Mr. Taft's lieutenants undertook to steal from the people their right to deliver what verdict they chose. Their task was no more reputable than any form of burglary and was far more damaging to the community than burglary. They were successful. They succeeded in getting from the city of Cleveland, which had repudiated Mr. Taft three to one at the polls, a delegation of politicians which was ten to one in his favor. This delegation turned the scale at the State convention and earned Mr. Taft's effusive gratitude by stealing for him from the people of Ohio the six delegates at large. He was not entitled to these delegates. The people of Ohio who were defrauded in his interest, were entitled to them. The people were cheated out of their rights

because they were misrepresented by the convention. Mr. Taft asked the Ohio State convention to misrepresent the people and it did misrepresent the people. Mr. Taft need never again explain what he means by government of the people by a "representative part" of the people. He has shown in actual practice that he means government of the people by politicians who shall misrepresent them in the selfish interest of some one else.

My second example is the national committee itself. The recent action of the national committee illustrated well what has happened in our country in the twisting of nominal representative government away from its original purpose until it becomes thoroughly unrepresentative and misrepresentative. All this party machinery was originally designed simply in order to make the will of the party genuinely effective. It had no other purpose then. It can have no other legitimate purpose now. Until within a very few years no man would have been brazen enough openly to announce that this was not its purpose. It has been reserved for Mr. Taft and his friends in this crisis openly to act on such an assumption. The other day thirty-seven of Mr. Taft's adherents on the national committee stole from the people of California their right to give the votes of California to the men of their choice. These thirty-seven politicians, none of whom lived in California, assumed to override the will of the quarter of a million of California voters who had recorded their will at the primary. The thirty-seven men who do not live in California have given seats to two Taft men whom the quarter of a million California voters had refused to seat. These two Taft delegates have no more right to sit in the Republican convention than they have to sit in the Democratic convention. They were defeated in California by about seventy-seven thousand majority; a majority greater than Mr. Taft's entire vote. Under the act of the legislature all the delegates ran on one ticket, the Taft and Roosevelt delegates alike binding themselves to abide by the result. No delegates were elected by districts.

Mr. Taft sent an urgent appeal to California just before the primary election, an appeal which showed his complete acquiescence in what was done—and unless he was prepared then to protest it was dishonorable to protest afterward. Yet on the plea of a henchman of Mr. Patrick Calhoun's, thirty-seven adherents of Mr. Taft on the national committee robbed the people of California of their rights and seated the two Taft-Calhoun delegates. Of these thirty-seven men, four represented the Territories of Alaska, Hawaii, the Philippines, and Porto Rico. Twelve represented States that went Democratic four years ago. Fourteen came from Republican States, every one of which had repudiated Mr. Taft and his committeemen at the primaries held this spring. In other words, of the thirty-seven Taft men who in Mr. Taft's interest robbed the overwhelming majority of the Republican voters of the great Republican State of California of their rights, sixteen represented no Republican electoral vote whatever and fourteen represented Republican States whose voters by overwhelming majorities had repudiated the men themselves and Mr. Taft also at the primaries held this spring. There remain out of the twenty-nine only seven men, six of these representing States where the Republican voters have had no chance to express their preference for President. In other words, out of the thirty-seven men on the national committee who in Mr. Taft's interest disfranchised California so far as two of its delegates are concerned, but one single man represented a State where the majority was Republican and where when it had had a chance it had not repudiated both the man himself and Mr. Taft himself. The action of the committee in seating the Taft delegates from Washington was even worse; and in the other States I have named it was at least as bad. This is Mr. Taft's theory of government of the people by a "representative part" of the people when it is reduced to practice. From the practice of this theory, under the pretense of heeding the forms of democracy, it is but one step farther to cast aside all pretense whatever, and Mr. Taft's lieutenants have taken this step

again and again; from swindling the people by sharp political tricks they have gone to the point of deliberate theft. Mr. Taft in encouraging what was done in the Ohio State convention showed his anxious desire to defeat the will of the people by sharp trickery which kept just within the law. But in electing and seating the delegates whom the Taft national committeemen have put on the temporary roll of the convention from California, Washington, Arizona, Kentucky, Indiana, Texas, and other States a much longer step toward dishonesty has been taken. These delegates represent deliberate theft, deliberate robbery. The action of Mr. Taft's supporters in these cases raises a question even more vital than those that have legitimately been raised, in this campaign. Before discussing questions dealing with the right of the people to rule and to secure social and industrial justice it is necessary to settle once for all that when the decision has been made by the people it shall not be reversed by force and fraud. We have a right to ask every honest man among our opponents, whatever may be his views as to the principles we advocate, heartily to support us in this fight for the elementary, the fundamental honesties of politics. The first and greatest issue before us is the issue of theft. Every honest citizen should join with us in the fight for honesty against theft and corruption.

It is not to be wondered at that our opponents have been very bitter; for the line-up in this crisis is one that cuts deep to the foundations of government. Our democracy is now put to a vital test; for the conflict is between human rights on the one side and on the other special privilege asserted as a property right. The parting of the ways has come. The Republican party must definitely stand on one side or the other. It must stand, by deeds, and not merely by empty phrases, for the rights of humanity, or else it must stand for special privilege. Our opponents are fond of calling themselves regular Republicans. In reality they have no title to membership in any party that is true to the principles of Abraham

Lincoln. They are fighting for the cause of special privilege and their chief strength is drawn from the beneficiaries of intrenched economic and social injustice. I do not in the least mean that they are all of them or even a majority of them impelled by improper motives any more than I would say the same thing of the men in the North who during the Civil War were favorable to slavery and hostile to the Union. But most of the master spirits among them have a strong selfish interest in resisting the campaign against industrial wrong. The real masters among our opponents are often by no means the men nominally in the forefront. These real masters of the reactionary forces have a tremendous personal interest in perpetuating the right of the boss in politics with as its necessary accompaniment, the safeguarding of privilege and the enlarging of the sphere of special interest. They are the men who stand back of the ordinary political leaders who are against us. They are the men who directly or indirectly control the majority of the great daily newspapers that are against us. Behind them comes the host of honest citizens who because the channels of their information are choked misunderstand our position and believe that in opposing us they are opposing disturbers of the peace. In addition these are the men who now, as in every age—are intellectually and temperamentally incapable of consenting to progress and who worship at the shrine of the sanctity of property even though that property be illicitly acquired and used to the detriment of the community. All of these honest men are sedulously taught by the big sinister men above them that revolution impends if we strike at even the most obvious injustice. They are taught to believe that change means destruction. They are wrong. The men who temperately and with self-restraint but with unflinching resolution and efficiency strike at injustice, right grievous wrong, and drive intrenched privilege from its sanctuary, are the men who prevent revolutions. Life means change; where there is no change, death comes. We who fight sanctity for the rights of the people, for industrial justice

and social reforms are also fighting for material well-being; for justice is the handmaiden of prosperity; and without justice there can be no lasting prosperity. We pledge ourselves not only to strive for prosperity but to bring it about; for it can only come on a basis of fair treatment for all; and on such a basis it shall come, if the people intrust power to us.

When I undertook this contest I was well aware of the intense bitterness which my re-entry into politics would cause, I knew that the powers that prey would oppose me, with tenfold the bitterness they would show in opposing any other Progressive candidate, simply because they do not fear any other Progressive candidate, whereas they very greatly fear me. I knew also that they would directly or indirectly influence very many men who pride themselves upon belonging to and indeed typifying what they regard as the educated and respectable classes. But it has been to me a matter of melancholy concern to see the effect that these influences have produced upon so many men in the Northeast, and in cities like New York, Boston, and Philadelphia, who lead lives that are on the whole rather pleasant, rather soft, and who are free from all possibility of the pressure of actual want. It has been a matter of concern to me to see how bitter and irrational has been the opposition to us among a very large proportion of these men, the men who are to be found in the most noted clubs, in the centres of big business, and in the places especially resorted to by those whose chief desires are for ease and pleasure. We have with us a small percentage of the heads of great corporations and of great corporation lawyers, including I believe almost every man of either class sufficiently high-minded and far-sighted to see that in the long run privilege spells destruction, not only to the class harmed by it but the class possessing it. We welcome the presence of these men. Every honest man whatever his fortune, should be our ally. The great majority of capitalists, however, and of the big corporation lawyers so intimately connected with them, are naturally hostile to us. Their hostility did not surprise me.

The men who are most benefited by privilege unless they are exceptionally disinterested and far-sighted, cannot be expected to feel friendly toward those who assail privilege. But associated with them are many men whose selfish interest in privilege is far less obvious. I genuinely regret that we have had with us so small a percentage of the men for whom life has been easy, who belong to or are intimately associated with the leisured and monied classes; so small a proportion of the class which furnishes the bulk of the membership in the larger social business and professional clubs, and which supplies the majority of the heads of our great educational institutions and of the men generally, who take the lead in upholding the cause of virtue when only the minor moralities and the elegancies of life are at issue. My concern and regret are primarily for these men themselves. They could do us good by joining with us, for it is earnestly to be wished that this movement for social justice shall number among its leaders at least a goodly proportion of men whose leadership is obviously disinterested, who will themselves receive no material benefit from the changes which as a matter of justice they advocate. Yet the good to the people would be small compared to the good which these men would do to their own class by casting in their lot with us as we battle for the rights of humanity, as we battle for social and industrial justice, as we champion the cause of those who most need champions and for whom champions have been too few. I have been puzzled at the attitude of the men in question. They are often the men who in the past have been very severe in their condemnation of corruption, in their condemnation of bossism, and in railing at injustice and demanding higher ideals of public service and private life. Yet when the supreme test comes they prove false to all their professions of the past. They fear the people so intensely that they pardon and uphold every species of political and business crookedness in the panic-struck hope of strengthening the boss and special privilege and thereby raising a powerful shield to protect their own soft personalities from the public.

They are foolish creatures; the people would never harm them; yet they still dread the people. They stand with servile acquiescence behind the worst representatives of crooked business and crooked politics in the country, and by speech or by silence they now encourage or condone the efforts of our opponents to steal from the people the victory they have won and to substitute boss rule for popular rule. Some of these men have in the past assumed to be teachers of their fellow men in political matters. Never again can they speak in favor of a high ideal of honesty and decency in political life, or of the duty to oppose political corruption and business wrong-doing; for to do so would expose them to the derision of all who abhor hypocrisy and who condemn fine words that are not translated into honorable deeds.

Apparently these men are influenced by a class consciousness which I had not supposed existed in any such strength. They live softly. Circumstances for which they are not responsible have removed their lives from the fears and anxieties of the ordinary men who toil. When a movement is undertaken to make life a little easier, a little better, for the ordinary man, to give him a better chance, these men of soft life seem cast into panic lest something that is not rightly theirs may be taken from them. In unmanly fear they stand against all change, no matter how urgent such change may be. They not only come far short of their duty when they thus act, but they show a lamentable short-sightedness. In this country of ours no man can permanently leave to his descendants the right to live softly; and if he could leave such a right it would in the end prove to be a right not worth having. The inheritance really worth while which we can transmit to our children and to our children's children is the ability to do work that counts, not the means of avoiding work—the ability for efficient effort, not the opportunity for the slothful avoidance of all effort. The leaders in the fight for industrial and social justice to-day should be the men to whom much has been given and from whom we have a right to expect in return

much of honesty and of courage, much of disinterested and valorous effort for the common good. The multimillionaire who opposes us is the worst foe of his own children and children's children, and, little though he knows it, we are their benefactors when we strive to make this country one in which justice shall prevail; for it is they themselves who would in the end suffer most if in this country we permitted the average man gradually to grow to feel that fair play was denied him, that justice was denied to the many and privilege accorded to the few.

We who in this contest are fighting for the rights of the plain people, we who are fighting for the right of the people to rule themselves, need offer no better proof of the fact that we are fighting for all citizens, no matter what their politics, than that which is afforded by the action of that portion of the press which is controlled by privilege, by the great special interests in business. Newspapers of this type are found in every part of the country, in San Francisco, in Cincinnati, in Chicago and St. Louis, in Boston and Philadelphia. But they are strongest in New York. Some of these newspapers are nominally Democratic, some nominally Republican, some nominally independent. But in reality they are true only to the real or fancied interests of the great capitalist class by certain of whose members they are controlled. Sometimes the interests of this capitalist class are identical with those of the country as a whole, and in that case these papers serve the interests of the commonwealth. Sometimes the interests of the capitalist class are against the interests of the people as a whole, and in that case these papers are hostile to the interests of the commonwealth. But neither their acting favorably to nor their acting adversely to the interests of the commonwealth is anything more than an incident to their support of the interests to which they are bound. The great and far-reaching evil of their action is that they choke and foul the only channels of information open to so many honest and well-meaning citizens. The most prominent representatives of these papers

in New York and Massachusetts supported Mr. Parker against me in 1904. Mr. Parker was a Democrat, but he was entirely satisfactory to their masters, and for the time being they ardently did all they could to overthrow the Republican party and to elect a Democratic President. But when I began to be seriously talked about for the Republican nomination this year, these papers one and all turned Republican to the extent of becoming my furious opponents and the furious champions of Mr. Taft. There is an element of pure comedy in reading in these papers continual lamentations about the likelihood of my candidacy breaking up the Republican party. They themselves did all they could to beat the Republican party when they thought they could elect Mr. Parker. Now these papers would eagerly champion the Republican party if they could keep Mr. Taft as its nominee for President. In the past they have not concealed their contempt for Mr. Taft, and none of them regard him in any way as a leader.

The difference between us and our present-day opponents is as old as civilized history. In every great crisis of the kind we face to-day, we find arrayed on one side the men who with fervor and broad sympathy and lofty idealism stand for the forward movement, the men who stand for the uplift and betterment of mankind, and who have faith in the people; and over against them the men of restricted vision and contracted sympathy, whose souls are not stirred by the wrongs of others. Side by side with the latter, appear the other men who lack all intensity of conviction, who care only for the pleasure of the day; and also those other men who distrust the people, who if dishonest wish to keep the people helpless so as to exploit them, and who if honest so disbelieve in the power of the people to bring about wholesome reform that every appeal to popular conscience and popular intelligence fills them with an angry terror. According to their own lights, these men are often very respectable, very worthy, but they live on a plane of low ideals. In the atmosphere they create impostors flourish, and leadership comes to be thought of only as success

in making money, and the vision of heaven becomes a sordid vision, and all that is highest and purest in human nature is laughed at, and honesty is bought and sold in the market-place.

Opposed undyingly to these men are the men of faith and vision, the men in whom love of righteousness burns like a flaming fire, who spurn lives of soft and selfish ease, of slothful self-indulgence, who scorn to think only of pleasure for themselves, who feel for and believe in their fellows, whose high fealty is reserved for all that is good, that is just, that is honorable. By their very nature these men are bound to battle for the truth and the right. They do not address themselves only to the cultured and exclusive few. They prize character even more than intellect. They know well that conscience is not the privilege merely of the men of wealth and cultivation, and they make their appeal to all men alike in the name of the great fundamental qualities, and qualities that every man should have, the qualities of generosity and unselfishness, of fearless honesty and high courage.

We who war against privilege pay heed to no outworn system of philosophy. We demand of our leaders to-day understanding of and sympathy with the living and the vital needs of those in the community whose needs are greatest. We are against privilege in every form. We believe in striking down every bulwark of privilege. Above all we are against the evil alliance of special privilege in business with special business in politics. We believe in giving the people a free hand to work in efficient fashion for true justice. To the big man and to the little man, in all the relations of life, we pledge justice and fair dealing.

A period of change is upon us. Our opponents, the men of reaction, ask us to stand still. But we could not stand still if we would; we must either go forward or go backward. Never was the need more imperative than now for men of vision who are also men of action. Disaster is ahead of us if we trust to the leadership of men whose souls are seared and whose eyes are blinded, men of cold heart and narrow

mind, who believe we can find safety in dull timidity and dull inaction. The unrest cannot be quieted by ingenious trickery of those who profess to advance by merely marking time, or who seek to drown the cry for justice by loud and insincere clamor about issues that are false and issues that are dead. The trumpets sound the advance, and their peal cannot be drowned by repeating the war-cries of bygone battles, the victory shouts of vanished hosts. Here in this city of the State of Lincoln I can set forth the principles for which we stand to-day in the words which Lincoln used fifty-four years ago, when in speaking of the then phase of the eternal struggles between privilege and justice, between the rights of the many and the special interest of the few, he said:

"That is the real issue. That is the issue which will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time. The one is the common right of humanity, the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says: 'You toil and work and earn bread, and I will eat it.' No matter in what shape it comes, whether from the mouth of a king who bestrides the people of his own nation and lives from the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle."

Were Lincoln alive to-day he would add that it is also the same principle which is now at stake when we fight on behalf of the many against the oppressor in modern industry whether the abuse of special privilege be by a man whose wealth is great or is little, whether by the multimillionaire owner of railways and mines and factories who forgets his duties to those who earn his bread while earning their own, or by the owner of the foul little sweat-shop who coins dollars from the excessive and underpaid labor of haggard women. We who

stand for the cause of progress are fighting to make this country a better place to live in for those who have been harshly treated by fate; and if we succeed it will also really be a better place for those who are already well off. None of us can really prosper permanently if masses of our fellows are debased and degraded, if they are ground down and forced to live starved and sordid lives, so that their souls are crippled like their bodies and the fine edge of their every feeling blunted. We ask that those of our people to whom fate has been kind shall remember that each is his brother's keeper, and that all of us whose veins thrill with abounding vigor shall feel our obligation to the less fortunate who work wearily beside us in the strain and stress of our eager modern life.

Friends, here in Chicago at this time you have a great task before you. I wish you to realize deep in your hearts that you are not merely facing a crisis in the history of a party. You are facing a crisis in the history of a nation and what you do will have an appreciable effect throughout the world at large. Here in America we the people have a continent on which to work out our destiny, and our faith is great that our men and women are fit to face the mighty days. Nowhere else in all the world is there such a chance for the triumph on a gigantic scale of the great cause of Democratic and popular government. If we fail, the failure will be lamentable, and our heads will be bowed with shame; for not only shall we fail for ourselves, but our failure will wreck the fond desires of all throughout the world who look toward us with the fond hope that here in this great Republic it shall be proved from ocean to ocean that the people can rule themselves, and thus ruling can gain liberty for and do justice both to themselves and to others. We who stand for the cause of the uplift of humanity and the betterment of mankind are pledged to eternal war against wrong whether by the few or by the many, by a plutocracy or by a mob. We believe that this country will not be a permanently good place for any of us to live in unless we make it a reasonably good place for all of us to live in. The

sons of all of us will pay in the future if we of the present do not do justice to all in the present. Our cause is the cause of justice for all in the interest of all. The present contest is but a phase of the larger struggle. Assuredly the fight will go on whether we win or lose; but it will be a sore disaster to lose. What happens to me is not of the slightest consequence; I am to be used, as in a doubtful battle any man is used, to his hurt or not, so long as he is useful, and is then cast aside or left to die. I wish you to feel this. I mean it; and I shall need no sympathy when you are through with me, for this fight is far too great to permit us to concern ourselves about any one man's welfare. If we are true to ourselves by putting far above our own interests the triumph of the high cause for which we battle we shall not lose. It would be far better to fail honorably for the cause we champion than it would be to win by foul methods the foul victory for which our opponents hope. But the victory shall be ours, and it shall be won as we have already won so many victories, by clean and honest fighting for the loftiest of causes. We fight in honorable fashion for the good of mankind; fearless of the future; unheeding of our individual fates; with unflinching hearts and undimmed eyes; we stand at Armageddon, and we battle for the Lord.

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THOU SHALT NOT STEAL[1]

THE American people are entitled to know that the charge of stealing the Chicago Convention of 1912 is more than campaign recrimination, and that the frauds complained of are much more serious than the mere repetition of loose practices which might have found unfortunate precedents in some previous conventions of both parties. Seriously and literally, President Taft's renomination was stolen for him from the American people and the ratification or rejection of that nomination raises the critical issue whether votes or fraud shall determine the selection of American Presidents. There may have been loose or arbitrary decisions of individual contests before; but this is the first time—and it must be made the last time—that a national committee, by conscious and intentional fraud, deliberately transforms the minority of a national convention into a majority, and thereby substitutes the brute power of a committee of professional political bosses for the expressed will of the people as a whole.

These statements are capable of mathematical demonstration. More than enough delegates to make up Mr. Taft's majority in the convention were seated there by contests so transparently fraudulent that honest doubt could not, and did not, exist in regard to them. President Taft was renominated by a majority of barely twenty-one votes, and two of these were publicly raped at the last moment from Massachusetts. If, therefore, more than nineteen or twenty-one of his votes were demonstrably fraudulent, all claim to an honest majority disappears. The demonstration can be made as to many

[1] *The Outlook*, July 13, 1912.

more than this number without touching on a single honestly debatable case.

This reckoning takes no account of the notorious fact that even the undisputed part of Mr. Taft's support was largely artificial and misrepresentative, made up of delegates from the outlying possessions, from hopelessly Democratic States, and from States where the people had been successfully denied the expression of their will. Such an artificial handicap is an injustice, but it stops short of being criminal. Neither does the reckoning take full account of the fact that at least eighty or ninety of the rejected Roosevelt delegates had a better title to vote in the convention than did the seated delegates from New York City. It does not even include many cases quite as flagrant, but not so notorious, as the ones here discussed. It is sufficient to consider only the four confessedly indefensible cases of California, Arizona, Washington, and Texas, which alone more than wipe out the margin. All that could be added from the other cases would only increase the Roosevelt majority of the honest convention. But I wish it distinctly understood that many of these other cases were as clear as the California case itself. This was true of the Tennessee and Kentucky cases, for instance, the Kentucky cases being especially noteworthy because of the way in which Federal office-holders were used by the Taft people to supplement the work of fraud; and in Indiana, Michigan, Alabama, and Arkansas cases just as flagrantly against justice were decided; while one Louisiana case was the most flagrant of all. But the California, Arizona, Washington, and Texas cases were the best known, and in them there was practically no room for dispute as to the facts.

It is significant that these four cases were among the last decided by the national committee. The committee first heard a large number of contests which had evidently been brought more for the purpose of demonstrating the misrepresentative character of the delegations from certain Democratic States than for the hope of seating the particular contestants. Then

it decided a number of other cases, some of which ingenuity might make plausibly debatable. Not until it was demonstrated that even all these cases were insufficient to reverse the majority in the convention did the committee go to the final length of throwing out the honest representatives of these four States. When this drastic course was finally decided on, debate was obstructed and curtailed, roll-calls were refused, and the proceedings of the committee lost all semblance of even pretended fairness. It was public and undisguised robbery, and all who instigated it and helped carry it out, all who profited by it, and all who condone or apologize for it stand on the same low plane of morality.

Three of these cases were a direct assault on the right of the people to elect their own delegates at primaries, since in them a few score politicians decided that the voters as a whole had no right themselves to decide whom they wished to see nominated. In the California case the delegates to the national convention were elected by direct vote at State-wide preferential primaries. The national committee first, and then the National Republican Convention, nullified the State law, and therefore, by inference, all State primary laws. In Arizona and Washington the control of the State conventions depended on which of two rival delegations were seated from certain counties, the one set elected by the Republican voters at primaries regularly called, and the other set arbitrarily appointed by bolting minorities of county committees. The State committees, in each case, seated the appointed delegates, and the national committee approved that action.

The California Case

The California case was the most far-reaching in its significance, because, while it directly affected only two votes, the principle enunciated in it would destroy the entire system of presidential primaries. The national committee bluntly decided in this case that it would nullify any State primary law which did not coincide with the terms of the committee's convention

call. As convention calls are sure to differ from year to year and those of one party from those of another, while State laws differ one State from another, but must be uniform in each State as to all parties, it follows that it is beyond human ingenuity to devise a system whereby all State laws in all years will coincide with the convention calls of all the parties. The only principle on which the primary system can survive at all is that the laws of each State shall prevail as to the elections in that State. This principle the national committee squarely overthrew in the California case, and the new national committee, which will exercise the same power in 1916, has explicitly taken the same ground as its predecessor.

The facts in the California case are briefly these: Under the law of California (as of several other States) the method of electing delegates to nominate a presidential candidate is exactly analogous to the method of choosing electors to elect a President. The candidates favoring each candidate are placed on the ballot in a single group, and are voted on by the State at large. This law passed the legislature by unanimous vote, and was accepted by all parties and factions. The three Republican candidates for President, including Mr. Taft, personally signed their approval of the several groups of delegates running in their names. The election was regularly held under the law, and the twenty-six Roosevelt delegates, having received majorities averaging nearly seventy-seven thousand, received and filed certificates of election from the secretary of state. There was no dispute of their election under the law. The contest was on the law itself.

The convention call of the national committee provided that the election should be by districts, while the law of California required it to be by the State at large. The delegates therefore were elected at large. But on the issue being raised on two of the twenty-six delegates from California, the committee put its call above the law and reversed the result of the election.

Even aside from this nullification of the law, the California contest rested on no basis of fact. The Roosevelt delegates

carried every county but one in the State, and received decisive majorities in all the congressional districts but one. In the Fourth District, comprising roughly the northern half of the city of San Francisco, the margin was so close that it would depend on the votes of fourteen border precincts, casting one thousand six hundred and eighty-five Republican votes, which were situated partly in the Fourth and partly in the Fifth District. The registrar of voters of San Francisco and the secretary of state both certified that it was impossible to tell how many of these votes were cast in the Fourth District, or who received a majority in that district. The committee, however, disregarded these certificates, and rested instead on a previous certificate, issued by the secretary of state by mistake, and subsequently revoked by him, and on this flimsy basis concluded that the twenty-six Taft delegates had received a few more votes in the district than the twenty-six Roosevelt delegates. Three of the Taft group and three of the Roosevelt group happened to be residents of this district, so the committee arbitrarily chose two of these three Roosevelt delegates for rejection, and substituted for them as arbitrarily two of the three defeated Taft delegates—and not the ones who had the highest votes. The decision was based on neither law nor facts, since it was in direct repudiation of the law, and had no facts other than guesswork as to the vote and arbitrary selection as to the individuals. The committee arrogated to itself a power which the Supreme Court of the United States has refused to exercise in analogous cases, and erected its temporary convention call into an authority over the election of delegates greater than that which the Constitution of the United States possesses over the selection of electors.

The Arizona Case

In Arizona two State conventions were held at the same time, in the same hall, each containing a quorum of persons claiming to have been elected to the convention. One convention elected Roosevelt delegates and the other Taft delegates. The differ-

ence was that the conventions contained rival delegations from Maricopa and Cochise counties. The State committee had left it to each county to decide whether it would choose delegates by primary or by appointment of the county committee. In Cochise County the Roosevelt delegates were appointed, at the regular time and place, by the majority of the county committee, while the Taft delegates were appointed, at another time and place, by a bolting minority of the county committee. In Maricopa County the Roosevelt delegates were elected by a vote of nine hundred and fifty-one to eleven, at a regular primary, called by a majority of the county committee in accordance with the custom of twenty-five years in that county. The largest vote for all candidates ever cast at a Republican primary in that county was only one thousand two hundred, so the Roosevelt vote was a clear majority of the party, even if all who failed to vote were assumed to be for Taft. The Taft delegates from this county were appointed by a minority of the county committee. The State committee usurped an authority never before exercised by it in Arizona, and seated the illegal Taft delegates from both these counties, refusing the legally elected Roosevelt delegates a right to protest to the convention. The legally elected delegates held their convention nevertheless at the appointed time and place, but naturally under much confusion. The national committee sustained the State committee in both these indefensible rulings, and thereby seated an arbitrarily appointed Taft delegation, representing a minority of unscrupulous politicians, in place of the regularly elected Roosevelt delegation representing an overwhelming majority of the people themselves.

The Washington Case

The Washington delegation was notoriously stolen by the State committee, and the theft was ratified by the national committee. The proceedings in the State were so outrageous that even Governor Hay, himself a Taft man, appeared before the committee to protest. The Taft margin in the con-

vention, as finally made up, was so narrow that a decision in favor of the Roosevelt delegates in any one of ten contested counties would have changed it into a minority. Several of these cases were perfectly plain, and were not even defended in the brief of the Taft contestants before the national committee. In the most populous counties—among them those containing the cities of Seattle, Tacoma, and Spokane—primaries were held, and Mr. Taft was beaten, the majorities against him being two to one and upward, and in some cases being over ten to one. The principal contest turned on King County, in which Seattle is situated. The one hundred and twenty-one Roosevelt delegates to the State convention from this county were elected at a primary, regularly called by a majority of the full county committee, by a vote of some six thousand four hundred to five hundred. The one hundred and twenty-one Taft delegates were appointed by twelve members of a defunct campaign executive committee of the previous year, which had since been removed from office by the vote of the full committee. It really seems impossible to imagine a more barefaced fraud. It was by no means the only case, however; the delegations from all the big counties where the voters at the primaries had decided overwhelmingly against Mr. Taft were kept out. The State committee usurped a power, not exercised in former years, of deciding the contests, and so controlled access to the convention hall as to make it impossible for the Roosevelt delegates to enter. As the honestly elected Roosevelt delegates, half of whom had been chosen by the people at primaries, outnumbered the honestly elected Taft delegates about five to one, it was out of the question for them to submit. They thereupon assembled, constituting a large majority of the convention, in another place, and elected a Roosevelt delegation, in accordance with the expressed will of their constituents. The usurping Taft minority, including some contestants whom even their own committee had declined to seat, chose the Taft delegates, who were seated by the national committee and kept in their seats by the convention. Yet the

Taft minority of the convention *consisted of only a sixth of the delegates* legally elected to the convention! (Mr. Ballinger, once Mr. Taft's secretary of the interior, was among the minority members, by the way.) The decision in this case shows that there was literally no length to which the men making it were not willing to go. Literally, not figuratively, it would have been more defensible to unseat the Taft delegates at large from New York, Connecticut, or Rhode Island than to unseat these Washington delegates. The people of Washington, wherever given a chance in the primaries, decided three to one, four to one, and ten to one against Mr. Taft; and then the politicians at Chicago upset the verdict of the people, and seated in the convention the men whom the people of Washington had overwhelmingly repudiated.

The Texas Case

In the Texas case the national committee reversed its own ruling on all the other convention cases. It was conceded that the Roosevelt delegates from Texas were regularly elected and certified by the regular Republican convention, called and chosen under the laws of Texas and with the appointment provided by those laws, and that the Taft delegates were chosen by a bolting convention, composed of only a small minority of delegates, which counted a fictitious quorum by assigning to some of its members arbitrary additional votes, on a basis of apportionment unknown to the law.

At the regular convention there were present at roll-call one hundred and seventy-two out of a possible two hundred and eleven delegates from the State, and four more subsequently reported present. The Roosevelt instructions were passed by a vote of one hundred and sixty-two and three-fourths votes, a three to one majority of all the delegates entitled to sit. The contrary vote was thirteen and one-fourth. As only twenty-seven counties in the State had instructed for Taft, not over fourteen of these could have been absent or at the rump convention elsewhere held. The temporary roll of the conven-

tion had been made up by the State committee, in regular session, and was ratified, on roll-call, by the unanimous vote of the convention. Only seventeen contests were filed before the State committee. These were heard by subcommittees consisting in each case of one Taft and two Roosevelt members. These committees decided four of the cases in favor of the Taft contestants and four in favor of divided delegations, and the rest for the Roosevelt claimants. The decisions were unanimous except as to the cases of one subcommittee. To rehear these cases, and certain additional cases which had come in after the time limit, a special committee was appointed, but the representative of the contestants, though personally notified, did not appear. He gave notice that he would, instead, file a minority report before the State convention, but did not do so. The Taft minority held a separate and confessedly bolting convention. In all other convention cases, the national committee rejected the delegates representing bolting conventions, even when there was abundant evidence that these conventions represented the real sentiment of the people. In the Texas case, which was one of the clearest of all, they reversed this rule, and recognized the bolting convention. The Republican presidential electors of Texas were nominated by the regular convention, and are the only ones, under the Texas law, who will be on the ballot. In the (to be sure, improbable) event of Texas going Republican, the anomalous condition would be presented of the Republican candidate for President receiving the votes of electors whose credentials had been discredited by the Republican national committee.

President Taft was nominated by twenty-one votes—or by nineteen, if the two from Massachusetts are omitted which were counted only by the extraordinary ruling of Chairman Root that when a delegate answers "present and not voting" his alternate shall be called to vote, always provided that alternate is a Taft man, and the delegate a Roosevelt man. The cases here discussed cover, in their narrowest application, thirty votes—California two, Arizona six, Washington four-

teen, and Texas at large eight. The change of these thirty votes would have defeated Taft; they would have reversed all the important actions of the convention. Several of the district cases from Texas are involved in the same ruling as that which was made in the case of the delegates at large, and are quite as flagrant. Numerous other cases—as clearly shown by the minority of the national committee and by the minority of the credentials committee of the convention—were just as bad. As I have said, one Louisiana case was worse. In one Indiana case the Taft delegates were elected only by first packing the credentials committee by refusing to let in Roosevelt delegates in whose cases pretended contests had been filed, and then by reversing this rule and letting the contested Taft delegates vote on their own cases. There was no form of trick or fraud which did not find favor in the eyes of the conspirators. I have merely cited a few cases, so conspicuous that the facts cannot be truthfully disputed, and sufficient in number to show by actual figures that the nomination of Mr. Taft could not have been procured except by their inclusion. The men responsible for the theft of the delegates in question cared not one rap for the rights or wrongs of any of the cases. They were concerned only with getting the requisite number of delegates. They did steal as many as were needed; they would have stolen as many more as might have been needed.

No free people can afford to submit to government by theft. If the will of the people is defeated by fraud, then the people do not rule. If those who are thus foisted on them represent the special interests instead of the people, then the interests and not the people rule. When the people are denied their only thoroughly efficient weapon, the direct primary, against this usurpation, as was done by the ruling in the California case, then under the system thus established the people cannot rule. The only remedy is to break from the system. It is useless to counsel patience until the next convention, because the organization is already complete to nullify the action of the people as effectively then as it was done this time. The

same arbitrary powers have been conferred on the national committee that were exercised this time, and that committee, which is to act in 1916, is already elected. It is composed of men the majority of whom, under the lead of one of their number, Mr. Barnes, have already shown by their votes in the convention that they are prepared to repeat in 1916 the usurpation of 1912. Every State in the Union might pass presidential primary laws, and all these States might vote for the same candidate, but if that candidate were not satisfactory to the national committee now in office, it could, and would, reverse the action of the people. On a square issue of power between the Republican national committee and the Republican voters the committee has won, and has demonstrated that it can win again. The organization has frankly abandoned the pretense of making effective the will of the voters. Its leaders, from the President down, take especial pride in the fact that they have outwitted the majority and have controlled the convention against the will of the rank and file of the voters—the "rabble," as Mr. Taft's chairman, Mr. McKinley, termed them. If the American people are really fit for self-government, they will instantly take up the challenge which a knot of political conspirators have so insolently thrown down. Non-resistance to such treason against popular government would be almost as reprehensible as active participation therein. Both a great moral issue and a fundamental principle of self-government are involved in the action of the so-called Republican convention at Chicago; and we cannot submit to that action without being false both to the basic principles of American democracy and to that spirit of righteousness and honesty which must underlie every form of successful government.

THE NATIONAL CAMPAIGN

1912

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PLATFORM INSINCERITY[1]

A PARTY should not contain utterly incongruous elements, radically divided on the real issues, and acting together only on false and dead issues insincerely painted as real and vital. It should not in the several States as well as in the nation be prostituted to the service of the baser type of political boss. It should be so composed that there should be a reasonable agreement in the actions taken by it both in the nation and in the several States.

Judged by these standards, both of the old parties break down. Neither can longer be trusted to do the work so urgently needed by the country. They have been shown to be utterly reactionary by the platforms of their conventions, by the actions of both sets of bosses in the various States, and also by the legislative work of the standpat Republican senators and of the Democratic Fitzgerald-Underwood alliance in control of the House of Representatives. Any real and lasting success for the people must be based on the liberalization of the party as well as of the party's candidates. A President hampered by a party controlled by special privilege, especially if he is bound to great State bosses who are themselves controlled by special privilege or if he is faced by the bipartisan alliance of corrupt legislators, can give to the people practically nothing. The best prospect for a liberated party exists in extending the revolt of the Progressives who have so successfully worked out their control in Pennsylvania, California, Washington, Oregon, Wisconsin, the Dakotas, Kansas, and Nebraska. It is the part of wisdom to make use of this effective

[1] *The Outlook*, July 27, 1912.

organization of Progressive sentiment, and to appeal to all voters to come together without regard to past political differences and fight the new fight on the new issues instead of again dividing on worn-out and purely artificial lines.

The bosses of the Democratic party and the bosses of the Republican party alike have a closer grip than ever before on the party machines in the States and in the nation. This crooked control of both the old parties by the beneficiaries of political and business privilege renders it hopeless to expect any far-reaching and fundamental service from either.

It is in large part a sequel to this crooked control that there has been so long a record of failure on the part of both the old parties to redeem their platform pledges. I very earnestly hope that the Progressive party will bear this fact in mind when it comes to building its platform. Not only should the platform be right, but it should be so clearly drawn as to make the intentions of those who draw it perfectly understood by the average man; it should deal wisely and boldly with the new issues confronting our people; and, finally, it should scrupulously refrain from promising anything that cannot be performed, and should clearly show that it intends as a matter of honorable obligation to carry out every promise made. To make a promise which cannot be carried out or which would hopelessly damage the country if carried out is equivalent to announcing in advance that, not only this promise, but all the other promises in the platform, are meant to be broken, and are for campaign uses only. No party, and no candidate, should receive the support of the people if the platform shows on its face the corrupt insincerity of those making it.

The present conditions in the two old parties, and the platforms put forth by both of them and judged by the standards outlined above, show that it is hopeless to get anything good out of them. To endeavor to punish each alternately by voting for the other is to follow the course most gratefully appreciated by the corrupt bosses of both. There is nothing that the bosses of the two parties more heartily approve than

the action of the man who does not attempt to wrest control of either party away from the boss or to establish a new party, but contents himself with action which results in keeping the bosses in control of each party and merely forcing these bosses to alternate with one another in control of the government. Mr. Taft's election means the perpetuation of the control of the Cranes, Barneses, Penroses, and Guggenheims. Doctor Wilson's election means the perpetuation of the control of the Murphys, Taggarts, Sullivans, the Evans-Hughes people, and their like. The bosses are just as powerful in one party as in the other.

The platforms of the two parties are models of dangerous insincerity and of bad faith. The platform of the Republican party is bad anyhow. Taken in connection with the action of the convention, it amounts to a declaration against actual rule by the people and a determination that the politicians or the beneficiaries of special privilege shall completely dominate the people in the future just as they are doing at this moment. The actions of Mr. Taft and his Administration and the actions of the Republican National Convention itself make any protestations of virtue on the part of the Barnes-Penrose-Guggenheim combination, which at the moment represents all that is efficient and real in the existing Republican party, of no consequence whatsoever. Any declaration of good intentions in the Republican platform on any subject is rendered worthless, first, by the fact that the present Administration has broken the most important pledges on which it was elected; and, second, by the fact that the national convention at Chicago, which nominated Mr. Taft, acted with such deliberate bad faith, such flagrant violation of every obligation of decency and honesty, as to make any and all of its promises not worth the paper on which they are written. A homily upon honesty by a pickpocket who still keeps the stolen goods does not tend toward edification. Not a promise made by any man who took part in, apologizes for, or benefited by the stealing of

the Chicago Convention should receive a moment's consideration.

The Baltimore platform offers perhaps as good an example as any platform of the last thirty years of what has become a typical vice of American politics—the avoidance of saying anything real on real issues, and the announcement of radical policies with much sound and fury, and at the same time with a cautious accompaniment of weasel phrases each of which sucks the meat out of the preceding statement. Neither the Republican nor the Democratic platform shows the slightest grasp of the real situation that confronts this country—the fact that we are now face to face with a great industrial evolution which, unless frankly accepted as such by the government, will become an industrial revolution. Three or four of the issues involved in this movement have been touched on by the two parties in their platforms—the right of the people to have their representatives really represent them; the right of the people to embody their sense of civic justice in their statute laws even over the objection of reactionary courts; the cost of living; the tariff problem; and the trust problem. On all these matters both parties have spoken loudly, but on no one of them has either party spoken clearly. It is difficult to know whether most to condemn the Republican platform for daring to make declarations to which its own actions and the actions of the Administration during the past three years have frankly given the lie, or the Democratic platform for unctuously stating that the pledges it makes are intended to be carried out after election, and not intended merely for platform use. There could be no more flagrant example than that which the Baltimore platform affords of the making of promises in such fashion that they shall seem to be what they are not, and of such a character that there could by no possibility be any serious effort to carry them out under penalty of nation-wide disaster.

What the Baltimore platform says on the tariff and the trusts illustrates completely what I mean. It first declares

that protective duties are unconstitutional. If the Democratic party is sincere in this belief, then it is necessarily committed to a construction of the Constitution which would gravely impair the powers which the government has employed time and time again for industrial and social betterment. If it is unconstitutional to impose protective duties for the sake of helping wage-workers, then it is unconstitutional to lay an inheritance tax or an income tax for the purpose of equalizing burdens and securing a better distribution of wealth; then it is unconstitutional to collect a corporation tax levied with the incidental purpose of securing publicity regarding corporation and trust methods; then the State bank tax, imposed for the purpose of regulating the issuance of currency, was and still is unconstitutional; then it would be unconstitutional to enact any kind of workmen's insurance law that would levy a tax for the purpose of creating a fund out of which wage-earners would receive insurance; it would be unconstitutional to use the taxing power of the government in any form for the purpose of improving social conditions and promoting economic efficiency. There can be legitimate discussion as to the extent to which the principle of protection should be applied, and, in my judgment, it should be applied for totally different purposes than those for which it has been applied for the last three years. But it is quite impossible to declare the principle of protection itself as unconstitutional unless the Constitution is interpreted in a way that would at once reduce us to impotence in dealing with nine-tenths of the serious social and industrial problems which now confront us. Nor is this all. If the Democrats are sincere in what they say about protection, if they really believe it to be unconstitutional, it is out of the question for any protective duty to be left for more than a very short period on the statute-books. If the tariff is really to be made a tariff for revenue only, then every species of protection must be removed from the American farmer and the American laboring man no less than from the American manufacturer, and duties must be imposed on such articles as tea and coffee. If

Doctor Wilson were elected, he would either have to repudiate the promises made about the tariff in the Democratic platform or else bring every industry in the country to a crash which would make all the panics in our past history seem like child's play in comparison. In short, were Doctor Wilson elected on this platform, he would be obliged at the very outset of his Administration to face the alternatives of dishonesty or disaster, the alternatives of refusing to carry out the expressed pledges of the platform, or else of causing such disaster to every worker in the country as would mean nation-wide ruin. There would be just one loophole for him, and this loophole is itself to be found in the dishonesty of the platform. After stridently proclaiming that the protective tariff must be immediately abolished, and making assertions about the present tariff duties which, if true, would demand their immediate abolition, it adds that in carrying out the principles enunciated it will proceed "by legislation that will not injure or destroy legitimate industry." This is as fine an example of a weasel phrase as could ever be imagined. Either it is itself absolutely meaningless or it sucks all meaning out of all the previous denunciations of the tariff. It admits in so many words that the tariff system is intimately connected with the legitimate business of the country; it also says that it is unconstitutional, that it makes the rich richer and the poor poorer, that the farmer and the laboring man are the chief sufferers under it and gain no benefits from it; and then proceeds to say that the tariff shall at once be put on a revenue basis, and yet that there shall be no legislation that will injure or destroy legitimate business! After this, the platform continues by stating that its pledges are made to be kept when in office as well as relied upon during the campaign. Which pledge does it mean to keep about the tariff? If the Democratic platform is sincere when it says that the legislation it advocates is not to injure any legitimate industry, then it is simply advocating what the Republican platform advocates, doubtless with equal insincerity, when that platform says that

it wishes to reduce excessive rates, and, using the language which the Democratic platform a few days later copied, to do so "without injury to any American industry." If, on the other hand, it is true that our present system does make the rich richer and the poor poorer, and if it is unconstitutional to have anything except a revenue tariff, then it is out of the question to alter the situation except by legislation that will destroy the present industries. The two pledges made about the tariff in the Democratic platform are mutually exclusive. One cannot be kept without repudiating the other. As a matter of fact, if the Democratic party came into power, it would doubtless break both pledges; it would not abolish all protective duties, but it would act with sufficient unwisdom about them to cause nation-wide disaster.

The same thing is true in what the Baltimore platform says of the high cost of living. It states that import duties on the necessaries of life must be materially reduced. Yet later on it expresses a fervent purpose to encourage agriculture. But of course those who drew up this platform must know that in the average household it is farm products which go to make up most of the cost of living, and it is both cowardly and insincere not to state that the proposed reduction of duties is aimed primarily at the farmer.

Yet, again, consider what the Baltimore platform says about the trusts. There is much sound and fury in the declaration for a drastic enforcement of the antitrust law. There is loud demand that it be enforced not merely by civil but by criminal proceedings. There is a purpose expressed to amend it so that the Supreme Court will no longer be able to show any leniency in its construction. If this portion of the platform means anything, it means that the antitrust law is to be made of such a character that it would, as President Van Hise has shown, if literally applied, stop all business not merely by business men but by farmers throughout the United States. But farther on in the platform comes the weasel phrase for this statement also, for in connection with the antitrust law occurs

the further statement that the platform denounces any attempt to enlarge or magnify by indirection the powers of the Federal Government, and insists that Federal remedies for interstate commerce shall be added to, and not be substituted for, State remedies. This is, in effect, merely to declare that the position taken by the Supreme Court in the Sugar Case many years ago was correct when the Supreme Court absolutely emasculated the antitrust law in the name of States' rights. The sound and fury of the Baltimore declaration against trusts is entirely in the vein of Mr. Bryan, but the weasel sentence about States' rights could well have been suggested by the astuteness of Mr. Bryan's fellow Democrat, Mr. Ryan. The first or declaratory part, if true and if lived up to, would necessarily mean that all business would immediately be stopped. It is sufficiently unreasoning to satisfy every rural Tory in the country, every man who believes that somehow or other we can get back to the conditions of the fifties, and who is ignorant of the fact that, if the antitrust law were literally enforced as the Democratic platform in this particular paragraph demands, every farmers' organization, every workmen's organization, every small tradesmen's organization, every species of co-operation, would all be declared illegal, and all business everywhere throughout the United States would stop. Even men untrained in business would revolt against such a platform. But of course they are all assured privately by all the men entitled to speak for the Democratic party that there is nothing whatever serious in the proposal, that it is a mere campaign statement that is not meant to be honestly enforced. Of course it could not be strictly enforced; and strict enforcement could at best be attempted only by the most feverish effort—sufficient to frighten and damage honest business men, but, as was conclusively shown in the Standard Oil and Tobacco Trust Cases, not such as to do any real damage to the trusts against which it is nominally aimed. As with the tariff, if Doctor Wilson were elected, he would have at once to face the fact whether he would violate the

platform or destroy all business. But the weasel phrase above quoted should satisfy every one. The Constitution was framed more for the purpose of giving to the government complete power over interstate commerce than for any other object. Every trust magnate in the country can rest in safety if he can have the law relegated to the States instead of to the nation. All danger to him will vanish forthwith. The experience of New Jersey during the last eighteen months, while Doctor Wilson has been governor, is enough to prove this. New Jersey has been in the past well known for its leniency in permitting the formation of trusts to operate outside the State. Doctor Wilson has been at the head of its government for nearly two years; yet during that time nothing of real importance has been done—doubtless nothing could have been done—to help solve the trust problem. The States are powerless in this matter. The nation must act.

There is not a dishonest trust in the country that could not afford to support the Democratic platform rather than face the honest and efficient purpose of the Progressive party, and there is not an honest business concern in the country that would not be ruined if the promises of the Democratic platform were kept.

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A CONFESSION OF FAITH[1]

TO you, men and women who have come here to this great city of this great State formally to launch a new party, a party of the people of the whole Union, the National Progressive party, I extend my hearty greeting. You are taking a bold and a greatly needed step for the service of our beloved country. The old parties are husks, with no real soul within either, divided on artificial lines, boss-ridden and privilege-controlled, each a jumble of incongruous elements, and neither daring to speak out wisely and fearlessly what should be said on the vital issues of the day. This new movement is a movement of truth, sincerity, and wisdom, a movement which proposes to put at the service of all our people the collective power of the people, through their governmental agencies, alike in the nation and in the several States. We propose boldly to face the real and great questions of the day, and not skilfully to evade them as do the old parties. We propose to raise aloft a standard to which all honest men can repair, and under which all can fight, no matter what their past political differences, if they are content to face the future and no longer to dwell among the dead issues of the past. We propose to put forth a platform which shall not be a platform of the ordinary and insincere kind, but shall be a contract with the people; and, if the people accept this contract by putting us in power, we shall hold ourselves under honorable obligation to fulfil every promise it contains as loyally as if it were actually enforceable under the penalties of the law.

[1] Address before the national convention of the Progressive party in Chicago, August 6, 1912.

The prime need to-day is to face the fact that we are now in the midst of a great economic evolution. There is urgent necessity of applying both common sense and the highest ethical standard to this movement for better economic conditions among the mass of our people if we are to make it one of healthy evolution and not one of revolution. It is, from the standpoint of our country, wicked as well as foolish longer to refuse to face the real issues of the day. Only by so facing them can we go forward; and to do this we must break up the old party organizations and obliterate the old cleavage lines on the dead issues inherited from fifty years ago.

Our fight is a fundamental fight against both of the old corrupt party machines, for both are under the dominion of the plunder league of the professional politicians who are controlled and sustained by the great beneficiaries of privilege and reaction. How close is the alliance between the two machines is shown by the attitude of that portion of those northeastern newspapers, including the majority of the great dailies in all the northeastern cities—Boston, Buffalo, Springfield, Hartford, Philadelphia, and, above all, New York—which are controlled by or representative of the interests which, in popular phrase, are conveniently grouped together as the Wall Street interests. The large majority of these papers supported Judge Parker for the presidency in 1904; almost unanimously they supported Mr. Taft for the Republican nomination this year; the large majority are now supporting Professor Wilson for the election. Some of them still prefer Mr. Taft to Mr. Wilson, but all make either Mr. Taft or Mr. Wilson their first choice; and one of the ludicrous features of the campaign is that those papers supporting Professor Wilson show the most jealous partisanship for Mr. Taft whenever they think his interests are jeopardized by the Progressive movement—that, for instance, any electors will obey the will of the majority of the Republican voters at the primaries, and vote for me instead of obeying the will of the Messrs. Barnes-Penrose-Guggenheim combination by voting for Mr. Taft. No better

proof can be given than this of the fact that the fundamental concern of the privileged interests is to beat the new party. Some of them would rather beat it with Mr. Wilson; others would rather beat it with Mr. Taft; but the difference between Mr. Wilson and Mr. Taft they consider as trivial, as a mere matter of personal preference. Their real fight is for either, as against the Progressives. They represent the allied reactionaries of the country, and they are against the new party because to their unerring vision it is evident that the real danger to privilege comes from the new party, and from the new party alone. The men who presided over the Baltimore and the Chicago Conventions, and the great bosses who controlled the two conventions, Mr. Root and Mr. Parker, Mr. Barnes and Mr. Murphy, Mr. Penrose and Mr. Taggart, Mr. Guggenheim and Mr. Sullivan, differ from one another of course on certain points. But these are the differences which one corporation lawyer has with another corporation lawyer when acting for different corporations. They come together at once as against a common enemy when the dominion of both is threatened by the supremacy of the people of the United States, now aroused to the need of a national alignment on the vital economic issues of this generation.

Neither the Republican nor the Democratic platform contains the slightest promise of approaching the great problems of to-day either with understanding or good faith; and yet never was there greater need in this nation than now of understanding and of action taken in good faith, on the part of the men and the organizations shaping our governmental policy. Moreover, our needs are such that there should be coherent action among those responsible for the conduct of national affairs and those responsible for the conduct of State affairs; because our aim should be the same in both State and nation; that is, to use the government as an efficient agency for the practical betterment of social and economic conditions throughout this land. There are other important things to be done, but this is the most important thing. It is preposterous to

leave such a movement in the hands of men who have broken their promises as have the present heads of the Republican organization (not of the Republican voters, for they in no shape represent the rank and file of the Republican voters). These men by their deeds give the lie to their words. There is no health in them, and they cannot be trusted. But the Democratic party is just as little to be trusted. The Underwood-Fitzgerald combination in the House of Representatives has shown that it cannot safely be trusted to maintain the interests of this country abroad or to represent the interests of the plain people at home. The control of the various State bosses in the State organizations has been strengthened by the action at Baltimore; and scant indeed would be the use of exchanging the whips of Messrs. Barnes, Penrose, and Guggenheim for the scorpions of Messrs. Murphy, Taggart, and Sullivan. Finally, the Democratic platform not only shows an utter failure to understand either present conditions or the means of making these conditions better but also a reckless willingness to try to attract various sections of the electorate by making mutually incompatible promises which there is not the slightest intention of redeeming, and which, if redeemed, would result in sheer ruin. Far-seeing patriots should turn scornfully from men who seek power on a platform which with exquisite nicety combines silly inability to understand the national needs and dishonest insincerity in promising conflicting and impossible remedies.

If this country is really to go forward along the path of social and economic justice, there must be a new party of nation-wide and non-sectional principles, a party where the titular national chiefs and the real State leaders shall be in genuine accord, a party in whose counsels the people shall be supreme, a party that shall represent in the nation and the several States alike the same cause, the cause of human rights and of governmental efficiency. At present both the old parties are controlled by professional politicians in the interests of the privileged classes, and apparently each has set up as its ideal

of business and political development a government by financial despotism tempered by make-believe political assassination. Democrat and Republican alike, they represent government of the needy many by professional politicians in the interests of the rich few. This is class government, and class government of a peculiarly unwholesome kind.

It seems to me, therefore, that the time is ripe, and overripe, for a genuine Progressive movement, nation-wide and justice-loving, sprung from and responsible to the people themselves, and sundered by a great gulf from both of the old party organizations, while representing all that is best in the hopes, beliefs, and aspirations of the plain people who make up the immense majority of the rank and file of both the old parties.

The first essential in the Progressive programme is the right of the people to rule. But a few months ago our opponents were assuring us with insincere clamor that it was absurd for us to talk about desiring that the people should rule, because, as a matter of fact, the people actually do rule. Since that time the actions of the Chicago Convention, and to an only less degree of the Baltimore Convention, have shown in striking fashion how little the people do rule under our present conditions.

We should provide by national law for presidential primaries. We should provide for the election of United States senators by popular vote. We should provide for a short ballot; nothing makes it harder for the people to control their public servants than to force them to vote for so many officials that they cannot really keep track of any one of them, so that each becomes indistinguishable in the crowd around him. There must be stringent and efficient corrupt-practices acts, applying to the primaries as well as the elections; and there should be publicity of campaign contributions during the campaign.

We should provide throughout this Union for giving the people in every State the real right to rule themselves, and

really and not nominally to control their public servants and their agencies for doing the public business; an incident of this being giving the people the right themselves to do this public business if they find it impossible to get what they desire through the existing agencies. I do not attempt to dogmatize as to the machinery by which this end should be achieved. In each community it must be shaped so as to correspond not merely with the needs but with the customs and ways of thought of that community, and no community has a right to dictate to any other in this matter. But wherever representative government has in actual fact become non-representative there the people should secure to themselves the initiative, the referendum, and the recall, doing it in such fashion as to make it evident that they do not intend to use these instrumentalities wantonly or frequently, but to hold them ready for use in order to correct the misdeeds or failures of the public servants when it has become evident that these misdeeds and failures cannot be corrected in ordinary and normal fashion. The administrative officer should be given full power, for otherwise he cannot do well the people's work; and the people should be given full power over him.

I do not mean that we shall abandon representative government; on the contrary, I mean that we shall devise methods by which our government shall become really representative. To use such measures as the initiative, referendum, and recall indiscriminately and promiscuously on all kinds of occasions would undoubtedly cause disaster; but events have shown that at present our institutions are not representative—at any rate in many States, and sometimes in the nation—and that we cannot wisely afford to let this condition of things remain longer uncorrected. We have permitted the growing up of a breed of politicians who, sometimes for improper political purposes, sometimes as a means of serving the great special interests of privilege which stand behind them, twist so-called representative institutions into a means of thwarting instead of expressing the deliberate and well-thought-out judgment of

the people as a whole. This cannot be permitted. We choose our representatives for two purposes. In the first place, we choose them with the desire that, as experts, they shall study certain matters with which we, the people as a whole, cannot be intimately acquainted, and that as regards these matters they shall formulate a policy for our betterment. Even as regards such a policy, and the actions taken thereunder, we ourselves should have the right ultimately to vote our disapproval of it, if we feel such disapproval. But, in the next place, our representatives are chosen to carry out certain policies as to which we have definitely made up our minds, and here we expect them to represent us by doing what we have decided ought to be done. All I desire to do by securing more direct control of the governmental agents and agencies of the people is to give the people the chance to make their representatives really represent them whenever the government becomes misrepresentative instead of representative.

I have not come to this way of thinking from closet study, or as a mere matter of theory; I have been forced to it by a long experience with the actual conditions of our political life. A few years ago, for instance, there was very little demand in this country for presidential primaries. There would have been no demand now if the politicians had really endeavored to carry out the will of the people as regards nominations for President. But, largely under the influence of special privilege in the business world, there have arisen castes of politicians who not only do not represent the people, but who make their bread and butter by thwarting the wishes of the people. This is true of the bosses of both political parties in my own State of New York, and it is just as true of the bosses of one or the other political party in a great many States of the Union. The power of the people must be made supreme within the several party organizations.

In the contest which culminated six weeks ago in this city I speedily found that my chance was at a minimum in any State where I could not get an expression of the people themselves

in the primaries. I found that if I could appeal to the rank and file of the Republican voters, I could generally win, whereas, if I had to appeal to the political caste—which includes the most noisy defenders of the old system—I generally lost. Moreover, I found, as a matter of fact, not as a matter of theory, that these politicians habitually and unhesitatingly resort to every species of mean swindling and cheating in order to carry their point. It is because of the general recognition of this fact that the words politics and politicians have grown to have a sinister meaning throughout this country. The bosses and their agents in the National Republican Convention at Chicago treated political theft as a legitimate political weapon. It is instructive to compare the votes of States where there were open primaries and the votes of States where there were not. In Illinois, Pennsylvania, and Ohio we had direct primaries, and the Taft machine was beaten two to one. Between and bordering on these States were Michigan, Indiana, and Kentucky. In these States we could not get direct primaries, and the politicians elected two delegates to our one. In the first three States the contests were absolutely open, absolutely honest. The rank and file expressed their wishes, and there was no taint of fraud about what they did. In the other three States the contest was marked by every species of fraud and violence on the part of our opponents, and half the Taft delegates in the Chicago Convention from these States had tainted titles. The entire Wall Street press at this moment is vigorously engaged in denouncing the direct primary system and upholding the old convention system, or, as they call it, the "old representative system." They are so doing because they know that the bosses and the powers of special privilege have tenfold the chance under the convention system that they have when the rank and file of the people can express themselves at the primaries. The nomination of Mr. Taft at Chicago was a fraud upon the rank and file of the Republican party; it was obtained only by defrauding the rank and file of the party of their right to ex-

press their choice; and such fraudulent action does not bind a single honest member of the party.

Well, what the national committee and the fraudulent majority of the national convention did at Chicago in misrepresenting the people has been done again and again in Congress, perhaps especially in the Senate, and in the State legislatures. Again and again laws demanded by the people have been refused to the people because the representatives of the people misrepresented them.

Now, my proposal is merely that we shall give to the people the power, to be used not wantonly but only in exceptional cases, themselves to see to it that the governmental action taken in their name is really the action that they desire.

The American people, and not the courts, are to determine their own fundamental policies. The people should have power to deal with the effect of the acts of all their governmental agencies. This must be extended to include the effects of judicial acts as well as the acts of the executive and legislative representatives of the people. Where the judge merely does justice as between man and man, not dealing with constitutional questions, then the interest of the public is only to see that he is a wise and upright judge. Means should be devised for making it easier than at present to get rid of an incompetent judge; means should be devised by the bar and the bench acting in conjunction with the various legislative bodies to make justice far more expeditious and more certain than at present. The stick-in-the-bark legalism, the legalism that subordinates equity to technicalities, should be recognized as a potent enemy of justice. But this is not the matter of most concern at the moment. Our prime concern is that in dealing with the fundamental law of the land, in assuming finally to interpret it, and therefore finally to make it, the acts of the courts should be subject to and not above the final control of the people as a whole. I deny that the American people have surrendered to any set of men, no matter what their position or their character, the final right to determine those

fundamental questions upon which free self-government ultimately depends. The people themselves must be the ultimate makers of their own Constitution, and where their agents differ in their interpretations of the Constitution the people themselves should be given the chance, after full and deliberate judgment, authoritatively to settle what interpretation it is that their representatives shall thereafter adopt as binding.

Whenever in our constitutional system of government there exist general prohibitions that, as interpreted by the courts, nullify, or may be used to nullify, specific laws passed, and admittedly passed, in the interest of social justice, we are for such immediate law, or amendment to the Constitution, if that be necessary, as will thereafter permit a reference to the people of the public effect of such decision under forms securing full deliberation, to the end that the specific act of the legislative branch of the government thus judicially nullified, and such amendments thereof as come within its scope and purpose, may constitutionally be excepted by vote of the people from the general prohibitions, the same as if that particular act had been expressly excepted when the prohibition was adopted. This will necessitate the establishment of machinery for making much easier of amendment both the National and the several State Constitutions, especially with the view of prompt action on certain judicial decisions—action as specific and limited as that taken by the passage of the Eleventh Amendment to the National Constitution.

We are not in this decrying the courts. That was reserved for the Chicago Convention in its plank respecting impeachment. Impeachment implies the proof of dishonesty. We do not question the general honesty of the courts. But in applying to present-day social conditions the general prohibitions that were intended originally as safeguards to the citizen against the arbitrary power of government in the hands of caste and privilege, these prohibitions have been turned by the courts from safeguards against political and social privilege

into barriers against political and social justice and advancement.

Our purpose is not to impugn the courts, but to emancipate them from a position where they stand in the way of social justice; and to emancipate the people, in an orderly way, from the iniquity of enforced submission to a doctrine which would turn constitutional provisions which were intended to favor social justice and advancement into prohibitions against such justice and advancement.

We in America have peculiar need thus to make the acts of the courts subject to the people, because, owing to causes which I need not now discuss, the courts have here grown to occupy a position unknown in any other country, a position of superiority over both the legislature and the Executive. Just at this time, when we have begun in this country to move toward social and industrial betterment and true industrial democracy, this attitude on the part of the courts is of grave portent, because privilege has intrenched itself in many courts just as it formerly intrenched itself in many legislative bodies and in many executive offices. Even in England, where the constitution is based upon the theory of the supremacy of the legislative body over the courts, the cause of democracy has at times been hampered by court action. In a recent book by a notable English Liberal leader, Mr. L. T. Hobhouse, there occur the following sentences dealing with this subject:

"Labor itself had experienced the full brunt of the attack. It had come, not from the politicians, but from the judges; but in this country we have to realize that within wide limits the judges are in effect legislators, and legislators with a certain persistent bent which can be held in check only by the constant vigilance and repeated efforts of the recognized organ for the making and repeal of law."

It thus appears that even in England it is necessary to exercise vigilance in order to prevent reactionary thwarting of the popular will by courts that are subject to the power of the legislature. In the United States, where the courts are

supreme over the legislature, it is vital that the people should keep in their own hands the right of interpreting their own Constitution when their public servants differ as to the interpretation.

I am well aware that every upholder of privilege, every hired agent or beneficiary of the special interests, including many well-meaning parlor reformers, will denounce all this as "Socialism" or "anarchy"—the same terms they used in the past in denouncing the movements to control the railways and to control public utilities. As a matter of fact, the propositions I make constitute neither anarchy nor Socialism, but, on the contrary, a corrective to Socialism and an antidote to anarchy.

I especially challenge the attention of the people to the need of dealing in far-reaching fashion with our human resources, and therefore our labor power. In a century and a quarter as a nation the American people have subdued and settled the vast reaches of a continent; ahead lies the greater task of building up on this foundation, by themselves, for themselves, and with themselves, an American commonwealth which in its social and economic structure shall be four square with democracy. With England striving to make good the human wreckage to which a scrap-heap scheme of industrialism has relegated her, with Germany putting the painstaking resources of an empire at the work of developing her crafts and industrial sciences, with the Far East placing in the hands of its millions the tools invented and fashioned by Western civilization, it behooves Americans to keep abreast of the great industrial changes and to show that the people themselves, through popular self-government, can meet an age of crisis with wisdom and strength.

In the last twenty years an increasing percentage of our people have come to depend on industry for their livelihood, so that to-day the wage-workers in industry rank in importance side by side with the tillers of the soil. As a people we cannot afford to let any group of citizens or any individual citizen live or labor under conditions which are injurious to the common

welfare. Industry, therefore, must submit to such public regulation as will make it a means of life and health, not of death or inefficiency. We must protect the crushable elements at the base of our present industrial structure.

The first charge on the industrial statesmanship of the day is to prevent human waste. The dead weight of orphanage and depleted craftsmanship, of crippled workers and workers suffering from trade diseases, of casual labor, of insecure old age, and of household depletion due to industrial conditions are, like our depleted soils, our gashed mountainsides and flooded river-bottoms, so many strains upon the national structure, draining the reserve strength of all industries and showing beyond all peradventure the public element and public concern in industrial health.

Ultimately we desire to use the government to aid, as far as can safely be done, in helping the industrial tool-users to become in part tool-owners, just as our farmers now are. Ultimately the government may have to join more efficiently than at present in strengthening the hands of the working men who already stand at a high level, industrially and socially, and who are able by joint action to serve themselves. But the most pressing and immediate need is to deal with the cases of those who are on the level, and who are not only in need themselves, but because of their need tend to jeopardize the welfare of those who are better off.

We hold that under no industrial order, in no commonwealth, in no trade, and in no establishment should industry be carried on under conditions inimical to the social welfare. The abnormal, ruthless, spendthrift industry of establishment tends to drag down all to the level of the least considerate.

Here the sovereign responsibility of the people as a whole should be placed beyond all quibble and dispute.

The public needs have been well summarized as follows:

1. We hold that the public has a right to complete knowledge of the facts of work.

2. On the basis of these facts and with the recent discov-

eries of physicians and neurologists, engineers and economists, the public can formulate minimum occupational standards below which, demonstrably, work can be prosecuted only at a human deficit.

3. In the third place, we hold that all industrial conditions which fall below such standards should come within the scope of governmental action and control in the same way that subnormal sanitary conditions are subject to public regulation and for the same reason—because they threaten the general welfare.

To the first end, we hold that the constituted authorities should be empowered to require all employers to file with them for public purposes such wage scales and other data as the public element in industry demands. The movement for honest weights and measures has its counterpart in industry. All tallies, scales, and check systems should be open to public inspection and inspection of committees of the workers concerned. All deaths, injuries, and diseases due to industrial operation should be reported to public authorities.

To the second end, we hold that minimum wage commissions should be established in the nation and in each State to inquire into wages paid in various industries and to determine the standard which the public ought to sanction as a minimum; and we believe that, as a present instalment of what we hope for in the future, there should be at once established in the nation and its several States minimum standards for the wages of women, taking the present Massachusetts law as a basis from which to start and on which to improve.

We pledge the Federal Government to an investigation of industries along the lines pursued by the Bureau of Mines with the view to establishing standards of sanitation and safety; we call for the standardization of mine and factory inspection by interstate agreement or the establishment of a Federal standard. We stand for the passage of legislation in the nation and in all States providing standards of compensation for industrial accidents and death, and for diseases

clearly due to the nature of conditions of industry, and we stand for the adoption by law of a fair standard of compensation for casualties resulting fatally which shall clearly fix the minimum compensation in all cases.

In the third place, certain industrial conditions fall clearly below the levels which the public to-day sanction.

We stand for a living wage. Wages are subnormal if they fail to provide a living for those who devote their time and energy to industrial occupations. The monetary equivalent of a living wage varies according to local conditions, but must include enough to secure the elements of a normal standard of living—a standard high enough to make morality possible, to provide for education and recreation, to care for immature members of the family, to maintain the family during periods of sickness, and to permit of reasonable saving for old age.

Hours are excessive if they fail to afford the worker sufficient time to recuperate and return to his work thoroughly refreshed. We hold that the night labor of women and children is abnormal and should be prohibited; we hold that the employment of women over forty-eight hours per week is abnormal and should be prohibited. We hold that the seven-day working week is abnormal, and we hold that one day of rest in seven should be provided by law. We hold that the continuous industries, operating twenty-four hours out of twenty-four, are abnormal, and where, because of public necessity or of technical reasons (such as molten metal), the twenty-four hours must be divided into two shifts of twelve hours or three shifts of eight, they should by law be divided into three of eight.

Safety conditions are abnormal when, through unguarded machinery, poisons, electrical voltage, or otherwise, the workers are subjected to unnecessary hazards of life and limb; and all such occupations should come under governmental regulation and control.

Home life is abnormal when tenement manufacture is carried on in the household. It is a serious menace to health,

education, and childhood, and should therefore be entirely prohibited. Temporary construction camps are abnormal homes and should be subjected to governmental sanitary regulation.

The premature employment of children is abnormal and should be prohibited; so also the employment of women in manufacturing, commerce, or other trades where work compels standing constantly; and also any employment of women in such trades for a period of at least eight weeks at time of childbirth.

Our aim should be to secure conditions which will tend everywhere toward regular industry, and will do away with the necessity for rush periods, followed by out-of-work seasons, which put so severe a strain on wage-workers.

It is abnormal for any industry to throw back upon the community the human wreckage due to its wear and tear, and the hazards of sickness, accident, invalidism, involuntary unemployment, and old age should be provided for through insurance. This should be made a charge in whole or in part upon the industries, the employer, the employee, and perhaps the people at large to contribute severally in some degree. Wherever such standards are not met by given establishments, by given industries, are unprovided for by a legislature, or are balked by unenlightened courts, the workers are in jeopardy, the progressive employer is penalized, and the community pays a heavy cost in lessened efficiency and in misery. What Germany has done in the way of old-age pensions or insurance should be studied by us, and the system adapted to our uses, with whatever modifications are rendered necessary by our different ways of life and habits of thought.

Working women have the same need to combine for protection that working men have; the ballot is as necessary for one class as for the other; we do not believe that with the two sexes there is identity of function; but we do believe that there should be equality of right; and therefore we favor woman suffrage. Surely, if women could vote, they would

strengthen the hands of those who are endeavoring to deal in efficient fashion with evils such as the white-slave traffic; evils which can in part be dealt with nationally, but which in large part can be reached only by determined local action, such as insisting on the wide-spread publication of the names of the owners, the landlords, of houses used for immoral purposes.

No people are more vitally interested than working men and working women in questions affecting the public health. The pure-food law must be strengthened and efficiently enforced. In the National Government one department should be intrusted with all the agencies relating to the public health, from the enforcement of the pure-food law to the administration of quarantine. This department, through its special health service, would co-operate intelligently with the various State and municipal bodies established for the same end. There would be no discrimination against us for any one set of therapeutic methods, against or for any one school of medicine or system of healing; the aim would be merely to secure under one administrative body efficient sanitary regulation in the interest of the people as a whole.

There is no body of our people whose interests are more inextricably interwoven with the interests of all the people than is the case with the farmers. The Country Life Commission should be revived with greatly increased powers; its abandonment was a severe blow to the interests of our people.

The welfare of the farmer is a basic need of this nation. It is the men from the farm who in the past have taken the lead in every great movement within this nation, whether in time of war or in time of peace. It is well to have our cities prosper, but it is not well if they prosper at the expense of the country. I am glad to say that in many sections of our country there has been an extraordinary revival of recent years in intelligent interest in and work for those who live in the open country. In this movement the lead must be taken by the farmers themselves; but our people as a whole, through their governmental agencies, should back the farmers. Every-

thing possible should be done to better the economic condition of the farmer, and also to increase the social value of the life of the farmer, the farmer's wife, and their children. The burdens of labor and loneliness bear heavily on the women in the country; their welfare should be the especial concern of all of us. Everything possible should be done to make life in the country profitable so as to be attractive from the economic standpoint and also to give an outlet among farming people for those forms of activity which now tend to make life in the cities especially desirable for ambitious men and women. There should be just the same chance to live as full, as well-rounded, and as highly useful lives in the country as in the city.

The government must co-operate with the farmer to make the farm more productive. There must be no skinning of the soil. The farm should be left to the farmer's son in better, and not worse, condition because of its cultivation. Moreover, every invention and improvement, every discovery and economy, should be at the service of the farmer in the work of production; and, in addition, he should be helped to co-operate in business fashion with his fellows, so that the money paid by the consumer for the product of the soil shall, to as large a degree as possible, go into the pockets of the man who raised that product from the soil. So long as the farmer leaves co-operative activities with their profit-sharing to the city man of business, so long will the foundations of wealth be undermined and the comforts of enlightenment be impossible in the country communities.

In every respect this nation has to learn the lessons of efficiency in production and distribution, and of avoidance of waste and destruction; we must develop and improve instead of exhausting our resources. It is entirely possible by improvements in production, in the avoidance of waste, and in business methods on the part of the farmer to give him an increased income from his farm while at the same time reducing to the consumer the price of the articles raised on the

farm. Important although education is, everywhere, it has a special importance in the country. The country school must fit the country life; in the country as elsewhere, education must be hitched up with life. The country church and the country Young Men's and Young Women's Christian Associations have great parts to play. The farmers must own and work their own land; steps must be taken at once to put a stop to the tendency toward absentee landlordism and tenant-farming; this is one of the most imperative duties confronting the nation. The question of rural banking and rural credits is also of immediate importance.

The present conditions of business cannot be accepted as satisfactory. There are too many who do not prosper enough, and of the few who prosper greatly there are certainly some whose prosperity does not mean well for the country. Rational Progressives, no matter how radical, are well aware that nothing the government can do will make some men prosper, and we heartily approve the prosperity, no matter how great, of any man, if it comes as an incident to rendering service to the community; but we wish to shape conditions so that a greater number of the small men who are decent, industrious, and energetic shall be able to succeed, and so that the big man who is dishonest shall not be allowed to succeed at all.

Our aim is to control business, not to strangle it—and, above all, not to continue a policy of make-believe strangle toward big concerns that do evil, and constant menace toward both big and little concerns that do well.

Our aim is to promote prosperity, and then see to its proper division. We do not believe that any good comes to any one by a policy which means destruction of prosperity; for in such cases it is not possible to divide it because of the very obvious fact that there is nothing to divide. We wish to control big business so as to secure among other things good wages for the wage-workers and reasonable prices for the consumers. Wherever in any business the prosperity of the business man is obtained by lowering the wages of his workmen and charging

an excessive price to the consumers, we wish to interfere and stop such practices. We will not submit to that kind of prosperity any more than we will submit to prosperity obtained by swindling investors or getting unfair advantages over business rivals. But it is obvious that unless the business is prosperous the wage-workers employed therein will be badly paid and the consumers badly served. Therefore not merely as a matter of justice to the business man, but from the standpoint of the self-interest of the wage-worker and the consumer, we desire that business shall prosper; but it should be so supervised as to make prosperity also take the shape of good wages to the wage-worker and reasonable prices to the consumer, while investors and business rivals are insured just treatment, and the farmer, the man who tills the soil, is protected as sedulously as the wage-worker himself.

Unfortunately, those dealing with the subject have tended to divide into two camps, each as unwise as the other. One camp has fixed its eyes only on the need of prosperity, loudly announcing that our attention must be confined to securing it in bulk, and that the division must be left to take care of itself. This is merely the plan, already tested and found wanting, of giving prosperity to the big men on top, and trusting to their mercy to let something leak through to the mass of their countrymen below—which, in effect, means that there shall be no attempt to regulate the ferocious scramble in which greed and cunning reap the largest rewards. The other set has fixed its eyes purely on the injustices of distribution, omitting all consideration of the need of having something to distribute, and advocates action which, it is true, would abolish most of the inequalities of the distribution of prosperity, but only by the unfortunately simple process of abolishing the prosperity itself. This means merely that conditions are to be evened, not up, but down, so that all shall stand on a common level, where nobody has any prosperity at all. The task of the wise radical must be to refuse to be misled by either set of false advisers; he must both favor and promote the agencies

that make for prosperity, and at the same time see to it that these agencies are so used as to be primarily of service to the average man.

Again and again while I was President, from 1902 to 1908, I pointed out that under the antitrust law alone it was neither possible to put a stop to business abuses nor possible to secure the highest efficiency in the service rendered by business to the general public. The antitrust law must be kept on our statute-books, and, as hereafter shown, must be rendered more effective in the cases where it is applied. But to treat the antitrust law as an adequate, or as by itself a wise, measure of relief and betterment is a sign not of progress, but of Toryism and reaction. It has been of benefit so far as it has implied the recognition of a real and great evil, and the at least sporadic application of the principle that all men alike must obey the law. But as a sole remedy, universally applicable, it has in actual practice completely broken down; as now applied it works more mischief than benefit. It represents the waste of effort—always damaging to a community—which arises from the attempt to meet new conditions by the application of outworn remedies instead of fearlessly and in common-sense fashion facing the new conditions and devising the new remedies which alone can work effectively for good. The antitrust law, if interpreted as the Baltimore platform demands it shall be interpreted, would apply to every agency by which not merely industrial but agricultural business is carried on in this country; under such an interpretation it ought in theory to be applied universally, in which case practically all industries would stop; as a matter of fact, it is utterly out of the question to enforce it universally; and, when enforced sporadically, it causes continual unrest, puts the country at a disadvantage with its trade competitors in international commerce, hopelessly puzzles honest business men and honest farmers as to what their rights are, and yet, as has just been shown in the cases of the Standard Oil and the Tobacco Trusts, it is no real check on the great trusts at which it was in theory aimed,

and indeed operates to their benefit. Moreover, if we are to complete with other nations in the markets of the world as well as to develop our own material civilization at home, we must utilize those forms of industrial organization that are indispensable to the highest industrial productivity and efficiency.

An important volume entitled "Concentration and Control" has just been issued by President Charles R. Van Hise, of the University of Wisconsin. The University of Wisconsin has been more influential than any other agency in making Wisconsin what it has become, a laboratory for wise social and industrial experiment in the betterment of conditions. President Van Hise is one of those thoroughgoing but sane and intelligent radicals from whom much of leadership is to be expected in such a matter. The subtitle of his book shows that his endeavor is to turn the attention of his countrymen toward practically solving the trust problem of the United States. In his preface he states that his aim is to suggest a way to gain the economic advantages of the concentration of industry and at the same time to guard the interests of the public, and to assist in the rule of enlightenment, reason, fair play, mutual consideration, and toleration. In sum, he shows that unrestrained competition as an economic principle has become too destructive to be permitted to exist and that the small men must be allowed to co-operate under penalty of succumbing before their big competitors; and yet such co-operation, vitally necessary to the small man, is criminal under the present law. He says:

"With the alternative before the business men of co-operation or failure, we may be sure that they will co-operate. Since the law is violated by practically every group of men engaged in trade from one end of the country to the other, they do not feel that in combining they are doing a moral wrong. The selection of the individual or corporation for prosecution depends upon the arbitrary choice of the attorney-general, perhaps somewhat influenced by the odium which attaches to some of the violators of the law. They all take their chance, hoping

that the blow will fall elsewhere. With general violation and sporadic enforcement of an impracticable law, we cannot hope that our people will gain respect for it.

"In conclusion, there is presented as the solution of the difficulties of the present industrial situation, concentration, co-operation, and control. Through concentration we may have the economic advantages coming from magnitude of operations. Through co-operation we may limit the wastes of the competitive system. Through control by commission we may secure freedom for fair competition, elimination of unfair practices, conservation of our natural resources, fair wages, good social conditions, and reasonable prices.

"Concentration and co-operation in industry in order to secure efficiency are a world-wide movement. The United States cannot resist it. If we isolate ourselves and insist upon the subdivision of industry below the highest economic efficiency and do not allow co-operation, we shall be defeated in the world's markets. We cannot adopt an economic system less efficient than our great competitors, Germany, England, France, and Austria. Either we must modify our present obsolete laws regarding concentration and co-operation so as to conform with the world movement, or else fall behind in the race for the world's markets. Concentration and co-operation are conditions imperatively essential for industrial advance; but if we allow concentration and co-operation there must be control in order to protect the people, and adequate control is only possible through the administrative commission. Hence concentration, co-operation, and control are the keywords for a scientific solution of the mighty industrial problem which now confronts this nation."

In his main thesis President Van Hise is unquestionably right. The Democratic platform offers nothing in the way of remedy for present industrial conditions except, first, the enforcement of the antitrust law in a fashion which, if words mean anything, means bringing business to a standstill; and, second, the insistence upon an archaic construction of the

States'-rights doctrine in thus dealing with interstate commerce —an insistence which, in the first place, is the most flagrant possible violation of the Constitution to which the members of the Baltimore Convention assert their devotion, and which, in the next place, nullifies and makes an empty pretense of their first statement. The proposals of the platform are so conflicting and so absurd that it is hard to imagine how any attempt could be made in good faith to carry them out; but, if such attempt were sincerely made, it could only produce industrial chaos. Were such an attempt made, every man who acts honestly would have something to fear, and yet no great adroit criminal able to command the advice of the best corporation lawyers would have much to fear.

What is needed is action directly the reverse of that thus confusedly indicated. We Progressives stand for the rights of the people. When these rights can best be secured by insistence upon States' rights, then we are for States' rights; when they can best be secured by insistence upon national rights, then we are for national rights. Interstate commerce can be effectively controlled only by the nation. The States cannot control it under the Constitution, and to amend the Constitution by giving them control of it would amount to a dissolution of the government. The worst of the big trusts have always endeavored to keep alive the feeling in favor of having the States themselves, and not the nation, attempt to do this work, because they know that in the long run such effort would be ineffective. There is no surer way to prevent all successful effort to deal with the trusts than to insist that they be dealt with by the States rather than by the nation, or to create a conflict between the States and the nation on the subject. The well-meaning ignorant man who advances such a proposition does as much damage as if he were hired by the trusts themselves, for he is playing the game of every big crooked corporation in the country. The only effective way in which to regulate the trusts is through the exercise of the collective power of our people as a whole through the govern-

mental agencies established by the Constitution for this very purpose. Grave injustice is done by the Congress when it fails to give the National Government complete power in this matter; and still graver injustice by the Federal courts when they endeavor in any way to pare down the right of the people collectively to act in this matter as they deem wise; such conduct does itself tend to cause the creation of a twilight zone in which neither the nation nor the States have power. Fortunately, the Federal courts have more and more of recent years tended to adopt the true doctrine, which is that all these matters are to be settled by the people themselves, and that the conscience of the people, and not the preferences of any servants of the people, is to be the standard in deciding what action shall be taken by the people. As Lincoln phrased it: "The [question] of national power and State rights as a principle is no other than the principle of generality and locality. Whatever concerns the whole should be confided to the whole—to the general government; while whatever concerns only the State should be left exclusively to the State."

It is utterly hopeless to attempt to control the trusts merely by the antitrust law, or by any law the same in principle, no matter what the modifications may be in detail. In the first place, these great corporations cannot possibly be controlled merely by a succession of lawsuits. The administrative branch of the government must exercise such control. The preposterous failure of the Commerce Court has shown that only damage comes from the effort to substitute judicial for administrative control of great corporations. In the next place, a loosely drawn law which promises to do everything would reduce business to complete ruin if it were not also so drawn as to accomplish almost nothing.

As construed by the Democratic platform, the antitrust law would, if it could be enforced, abolish all business of any size or any efficiency. The promise thus to apply and construe the law would undoubtedly be broken, but the mere fitful effort thus to apply it would do no good whatever, would accomplish

wide-spread harm, and would bring all trust legislation into contempt. Contrast what has actually been accomplished under the interstate commerce law with what has actually been accomplished under the antitrust law. The first has, on the whole, worked in a highly efficient manner and achieved real and great results; and it promises to achieve even greater results (although I firmly believe that if the power of the commissioners grows greater, it will be necessary to make them and their superior, the President, even more completely responsible to the people for their acts). The second has occasionally done good, has usually accomplished nothing, but generally left the worst conditions wholly unchanged, and has been responsible for a considerable amount of downright and positive evil.

What is needed is the application to all industrial concerns and all co-operating interests engaged in interstate commerce in which there is either monopoly or control of the market of the principles on which we have gone in regulating transportation concerns engaged in such commerce. The antitrust law should be kept on the statute-books and strengthened so as to make it genuinely and thoroughly effective against every big concern tending to monopoly or guilty of antisocial practices. At the same time, a national industrial commission should be created which should have complete power to regulate and control all the great industrial concerns engaged in interstate business—which practically means all of them in this country. This commission should exercise over these industrial concerns like powers to those exercised over the railways by the Interstate Commerce Commission, and over the national banks by the comptroller of the currency, and additional powers if found necessary.

The establishment of such a commission would enable us to punish the individual rather than merely the corporation, just as we now do with banks, where the aim of the government is, not to close the bank, but to bring to justice personally any bank official who has gone wrong.

This commission should deal with all the abuses of the

trusts—all the abuses such as those developed by the government suit against the Standard Oil and Tobacco Trusts—as the Interstate Commerce Commission now deals with rebates. It should have complete power to make the capitalization absolutely honest and put a stop to all stock watering.

Such supervision over the issuance of corporate securities would put a stop to exploitation of the people by dishonest capitalists desiring to declare dividends on watered securities, and would open this kind of industrial property to ownership by the people at large. It should have free access to the books of each corporation and power to find out exactly how it treats its employees, its rivals, and the general public. It should have power to compel the unsparing publicity of all the acts of any corporation which goes wrong. The regulation should be primarily under the administrative branch of the government, and not by lawsuit. It should prohibit and effectively punish monopoly achieved through wrong, and also actual wrongs done by industrial corporations which are not monopolies, such as the artificial raising of prices, the artificial restriction on productivity, the elimination of competition by unfair or predatory practices, and the like; leaving industrial organizations free within the limits of fair and honest dealing to promote through the inherent efficiency of organization the power of the United States as a competitive nation among nations, and the greater abundance at home that will come to our people from that power wisely exercised.

Any corporation voluntarily coming under the commission should not be prosecuted under the antitrust law as long as it obeys in good faith the orders of the commission. The commission would be able to interpret in advance, to any honest man asking the interpretation, what he may do and what he may not do in carrying on a legitimate business. Any corporation not coming under the commission should be exposed to prosecution under the antitrust law, and any corporation violating the orders of the commission should also at once become exposed to such prosecution; and when such a prosecution is

successful, it should be the duty of the commission to see that the decree of the court is put into effect completely and in good faith, so that the combination is absolutely broken up, and is not allowed to come together again, nor the constituent parts thereof permitted to do business save under the conditions laid down by the commission. This last provision would prevent the repetition of such gross scandals as those attendant upon the present Administration's prosecution of the Standard Oil and the Tobacco Trusts. The Supreme Court of the United States in condemning these two trusts to dissolution used language of unsparing severity concerning their actions. But the decree was carried out in such a manner as to turn into a farce this bitter condemnation of the criminals by the highest court in the country. Not one particle of benefit to the community at large was gained; on the contrary, the prices went up to consumers, independent competitors were placed in greater jeopardy than ever before, and the possessions of the wrong-doers greatly appreciated in value. There never was a more flagrant travesty of justice, never an instance in which wealthy wrong-doers benefited more conspicuously by a law which was supposed to be aimed at them, and which undoubtedly would have brought about severe punishment of less wealthy wrong-doers.

The Progressive proposal is definite. It is practicable. We promise nothing that we cannot carry out. We promise nothing which will jeopardize honest business. We promise adequate control of all big business and the stern suppression of the evils connected with big business, and this promise we can absolutely keep.

Our proposal is to help honest business activity, however extensive, and to see that it is rewarded with fair returns so that there may be no oppression either of business men or of the common people. We propose to make it worth while for our business men to develop the most efficient business agencies for use in international trade; for it is to the interest of our whole people that we should do well in international

business. But we propose to make those business agencies do complete justice to our own people.

Every dishonest business man will unquestionably prefer either the programme of the Republican convention or the programme of the Democratic convention to our proposal, because neither of these programmes means nor can mean what it purports to mean. But every honest business man, big or little, should support the Progressive programme, and it is the one and only programme which offers real hope to all our people; for it is the one programme under which the government can be used with real efficiency to see justice done by the big corporation alike to the wage-earners it employs, to the small rivals with whom it competes, to the investors who purchase its securities, and to the consumers who purchase its products, or to the general public which it ought to serve, as well as to the business man himself.

We favor co-operation in business, and ask only that it be carried on in a spirit of honesty and fairness. We are against crooked business, big or little. We are in favor of honest business, big or little. We propose to penalize conduct and not size. But all very big business, even though honestly conducted, is fraught with such potentiality of menace that there should be thoroughgoing governmental control over it, so that its efficiency in promoting prosperity at home and increasing the power of the nation in international commerce may be maintained, and at the same time fair play insured to the wage-workers, the small business competitors, the investors, and the general public. Wherever it is practicable we propose to preserve competition; but where under modern conditions competition has been eliminated and cannot be successfully restored, then the government must step in and itself supply the needed control on behalf of the people as a whole.

It is imperative to the welfare of our people that we enlarge and extend our foreign commerce. We are preeminently fitted to do this because as a people we have developed high skill in the art of manufacturing; our business men are strong

executives, strong organizers. In every way possible our Federal Government should co-operate in this important matter. Any one who has had opportunity to study and observe first-hand Germany's course in this respect must realize that their policy of co-operation between government and business has in comparatively few years made them a leading competitor for the commerce of the world. It should be remembered that they are doing this on a national scale and with large units of business, while the Democrats would have us believe that we should do it with small units of business, which would be controlled not by the National Government but by forty-nine conflicting State sovereignties. Such a policy is utterly out of keeping with the progress of the times and gives our great commercial rivals in Europe—hungry for international markets—golden opportunities of which they are rapidly taking advantage.

I very much wish that legitimate business would no longer permit itself to be frightened by the outcries of illegitimate business into believing that they have any community of interest. Legitimate business ought to understand that its interests are jeopardized when they are confounded with those of illegitimate business; and the latter, whenever threatened with just control, always tries to persuade the former that it also is endangered. As a matter of fact, if legitimate business can only be persuaded to look cool-headedly into our proposition, it is bound to support us.

There are a number of lesser, but still important, ways of improving our business situation. It is not necessary to enumerate all of them; but I desire to allude to two, which can be adopted forthwith. Our patent laws should be remodelled; patents can secure ample royalties to inventors without our permitting them to be tools of monopoly or shut out from general use; and a parcel-post, on the zone principle, should be established.

I believe in a protective tariff, but I believe in it as a principle, approached from the standpoint of the interests of the

whole people, and not as a bundle of preferences to be given to favored individuals. In my opinion, the American people favor the principle of a protective tariff, but they desire such a tariff to be established primarily in the interests of the wage-worker and the consumer. The chief opposition to our tariff at the present moment comes from the general conviction that certain interests have been improperly favored by over-protection. I agree with this view. The commercial and industrial experience of this country has demonstrated the wisdom of the protective policy, but it has also demonstrated that in the application of that policy certain clearly recognized abuses have developed. It is not merely the tariff that should be revised, but the method of tariff-making and of tariff administration. Wherever nowadays an industry is to be protected it should be on the theory that such protection will serve to keep up the wages and the standard of living of the wage-worker in that industry with full regard for the interest of the consumer. To accomplish this the tariff to be levied should as nearly as is scientifically possible approximate the differential between the cost of production at home and abroad. This differential is chiefly, if not wholly, in labor cost. No duty should be permitted to stand as regards any industry unless the workers receive their full share of the benefits of that duty. In other words, there is no warrant for protection unless a legitimate share of the benefits gets into the pay-envelope of the wage-worker.

The practice of undertaking a general revision of all the schedules at one time and of securing information as to conditions in the different industries and as to rates of duty desired chiefly from those engaged in the industries, who themselves benefit directly from the rates they propose, has been demonstrated to be not only iniquitous but futile. It has afforded opportunity for practically all of the abuses which have crept into our tariff-making and our tariff administration. The day of the log-rolling tariff must end. The progressive thought of the country has recognized this fact for several years, and

the time has come when all genuine Progressives should insist upon a thorough and radical change in the method of tariff-making.

The first step should be the creation of a permanent commission of non-partisan experts whose business shall be to study scientifically all phases of tariff-making and of tariff effects. This commission should be large enough to cover all the different and widely varying branches of American industry. It should have ample powers to enable it to secure exact and reliable information. It should have authority to examine closely all correlated subjects, such as the effect of any given duty on the consumers of the article on which the duty is levied; that is, it should directly consider the question as to what any duty costs the people in the price of living. It should examine into the wages and conditions of labor and life of the workmen in any industry so as to insure our refusing protection to any industry unless the showing as regards the share labor receives therefrom is satisfactory. This commission would be wholly different from the present unsatisfactory Tariff Board, which was created under a provision of law which failed to give it the powers indispensable if it was to do the work it should do.

It will be well for us to study the experience of Germany in considering this question. The German tariff commission has proved conclusively the efficiency and wisdom of this method of handling tariff questions. The reports of a permanent, expert, and non-partisan tariff commission would at once strike a most powerful blow against the chief iniquity of the old log-rolling method of tariff-making. One of the principal difficulties with the old method has been that it was impossible for the public generally, and especially for those members of Congress not directly connected with the committees handling a tariff bill, to secure anything like adequate and impartial information on the particular subjects under consideration.

The reports of such a tariff commission would at once cor-

rect this evil and furnish to the general public full, complete, and disinterested information on every subject treated in a tariff bill. With such reports it would no longer be possible to construct a tariff bill in secret or to jam it through either House of Congress without the fullest and most illuminating discussion. The path of the tariff "joker" would be rendered infinitely difficult.

As a further means of disrupting the old crooked, log-rolling method of tariff-making, all future revisions of the tariff should be made schedule by schedule as changing conditions may require. Thus a great obstacle will be thrown in the way of the trading of votes which has marked so scandalously the enactment of every tariff bill of recent years. The tariff commission should render reports at the call of Congress or of either branch of Congress and to the President. Under the Constitution, Congress is the tariff-making power. It should not be the purpose in creating a tariff commission to take anything away from this power of Congress, but rather to afford a wise means of giving to Congress the widest and most scientific assistance possible, and of furnishing it and the public with the fullest disinterested information. Only by this means can the tariff be taken out of politics. The creation of such a permanent tariff commission, and the adoption of the policy of schedule by schedule revision, will do more to accomplish this highly desired object than any other means yet devised.

The Democratic platform declares for a tariff for revenue only, asserting that a protective tariff is unconstitutional. To say that a protective tariff is unconstitutional, as the Democratic platform insists, is only excusable on a theory of the Constitution which would make it unconstitutional to legislate in any shape or way for the betterment of social and industrial conditions. The abolition of the protective tariff or the substitution for it of a tariff for revenue only, as proposed by the Democratic platform, would plunge this country into the most wide-spread industrial depression we have yet

seen, and this depression would continue for an indefinite period. There is no hope from the standpoint of our people from action such as the Democrats propose. The one and only chance to secure stable and favorable business conditions in this country, while at the same time guaranteeing fair play to farmer, consumer, business man, and wage-worker, lies in the creation of such a commission as I herein advocate. Only by such a commission and only by such activities of the commission will it be possible for us to get a reasonably quick revision of the tariff schedule by schedule—revision which shall be downward and not upward, and at the same time secure a square deal not merely to the manufacturer, but to the wage-worker and to the general consumer.

There can be no more important question than the high cost of living necessities. The main purpose of the Progressive movement is to place the American people in possession of their birthright, to secure for all the American people unobstructed access to the fountains of measureless prosperity which their Creator offers them. We in this country are blessed with great natural resources, and our men and women have a very high standard of intelligence and of industrial capacity. Surely, such being the case, we cannot permanently support conditions under which each family finds it increasingly difficult to secure the necessaries of life and a fair share of its comforts through the earnings of its members. The cost of living in this country has risen during the last few years out of all proportion to the increase in the rate of most salaries and wages; the same situation confronts alike the majority of wage-workers, small business men, small professional men, the clerks, the doctors, the clergymen.

Now, grave though the problem is there is one way to make it graver, and that is to deal with it insincerely, to advance false remedies, to promise the impossible. Our opponents, Republicans and Democrats alike, propose to deal with it in this way. The Republicans in their platform promise an inquiry into the facts. Most certainly there should be such in-

quiry. But the way the present Administration has failed to keep its promises in the past, and the rank dishonesty of action on the part of the Penrose-Barnes-Guggenheim national convention, makes their every promise worthless. The Democratic platform affects to find the entire cause of the high cost of living in the tariff, and promises to remedy it by free trade, especially free trade in the necessaries of life. In the first place, this attitude ignores the patent fact that the problem is world-wide, that everywhere, in England and France, as in Germany and Japan, it appears with greater or less severity; that in England, for instance, it has become a very severe problem, although neither the tariff nor, save to a small degree, the trusts, can there have any possible effect upon the situation. In the second place, the Democratic platform, if it is sincere, must mean that all duties will be taken off the products of the farmer. Yet most certainly we cannot afford to have the farmer struck down. The welfare of the tiller of the soil is as important as the welfare of the wage-worker himself, and we must sedulously guard both. The farmer, the producer of the necessities of life, can himself live only if he raises these necessities for a profit. On the other hand, the consumer who must have that farmer's product in order to live, must be allowed to purchase it at the lowest cost that can give the farmer his profit, and everything possible must be done to eliminate any middleman whose function does not tend to increase the cheapness of distribution of the product; and, moreover, everything must be done to stop all speculating, all gambling with the bread-basket which has even the slightest deleterious effect upon the producer and consumer. There must be legislation which will bring about a closer business relationship between the farmer and the consumer. Recently experts in the agricultural department have figured that nearly fifty per cent of the price for agricultural products paid by the consumer goes into the pockets, not of the farmer, but of various middlemen; and it is probable that over half of what is thus paid to middlemen is needless, can be saved by wise

business methods (introduced through both law and custom), and can therefore be returned to the farmer and the consumer.

Through the proposed interstate industrial commission we can effectively do away with any arbitrary control by combinations of the necessities of life. Furthermore, the governments of the nation and of the several States must combine in doing everything they can to make the farmer's business profitable, so that he shall get more out of the soil, and enjoy better business facilities for marketing what he thus gets. In this manner his return will be increased while the price to the consumer is diminished. The elimination of the middleman by agricultural exchanges and by the use of improved business methods generally, the development of good roads, the reclamation of arid lands and swamplands, the improvement in the productivity of farms, the encouragement of all agencies which tend to bring people back to the soil and to make country life more interesting as well as more profitable—all these movements will help not only the farmer but the man who consumes the farmer's products.

There is urgent need of non-partisan expert examination into any tariff schedule which seems to increase the cost of living, and, unless the increase thus caused is more than countervailed by the benefit to the class of the community which actually receives the protection, it must of course mean that that particular duty must be reduced. The system of levying a tariff for the protection and encouragement of American industry so as to secure higher wages and better conditions of life for American laborers must never be perverted so as to operate for the impoverishment of those whom it was intended to benefit. But, in any event, the effect of the tariff on the cost of living is slight; any householder can satisfy himself of this fact by considering the increase in price of articles, like milk and eggs, where the influence of both the tariff and the trusts is negligible. No conditions have been shown which warrant us in believing that the abolition of the protective tariff as a whole would bring any substantial benefit to the

consumer, while it would certainly cause unheard-of immediate disaster to all wage-workers, all business men, and all farmers, and in all probability would permanently lower the standard of living here. In order to show the utter futility of the belief that the abolition of the tariff and the establishment of free trade would remedy the condition complained of, all that is necessary is to look at the course of industrial events in England and in Germany during the last thirty years, the former under free trade, the latter under a protective system. During these thirty years it is a matter of common knowledge that Germany has forged ahead relatively to England, and this not only as regards the employers, but as regards the wage-earners—in short, as regards all members of the industrial classes. Doubtless, many causes have combined to produce this result; it is not to be ascribed to the tariff alone, but, on the other hand, it is evident that it could not have come about if a protective tariff were even a chief cause among many other causes of the high cost of living.

It is also asserted that the trusts are responsible for the high cost of living. I have no question that, as regards certain trusts, this is true. I also have no question that it will continue to be true just as long as the country confines itself to acting as the Baltimore platform demands that we act. This demand is, in effect, for the States and National Government to make the futile attempt to exercise forty-nine sovereign and conflicting authorities in the effort jointly to suppress the trusts, while at the same time the National Government refuses to exercise proper control over them. There will be no diminution in the cost of trust-made articles so long as our government attempts the impossible task of restoring the flintlock conditions of business sixty years ago by trusting only to a succession of lawsuits under the antitrust law—a method which it has been definitely shown usually results to the benefit of any big business concern which really ought to be dissolved, but which causes disturbance and distress to multitudes of smaller concerns. Trusts which increase production—unless they do

it wastefully, as in certain forms of mining and lumbering—cannot permanently increase the cost of living; it is the trusts which limit production, or which, without limiting production, take advantage of the lack of government control, and eliminate competition by combining to control the market, that cause an increase in the cost of living. There should be established at once, as I have elsewhere said, under the National Government an interstate industrial commission, which should exercise full supervision over the big industrial concerns doing an interstate business into which an element of monopoly enters. Where these concerns deal with the necessaries of life the commission should not shrink, if the necessity is proved, of going to the extent of exercising regulatory control over the conditions that create or determine monopoly prices.

By such action we shall certainly be able to remove the element of contributory causation on the part of the trusts and the tariff toward the high cost of living. There will remain many other elements. Wrong taxation, including failure to tax swollen inheritances and unused land and other natural resources held for speculative purposes, is one of these elements. The modern tendency to leave the country for the town is another element; and exhaustion of the soil and poor methods of raising and marketing the products of the soil make up another element, as I have already shown. Another element is that of waste and extravagance, individual and national. No laws which the wit of man can devise will avail to make the community prosperous if the average individual lives in such fashion that his expenditure always exceeds his income.

National extravagance—that is, the expenditure of money which is not warranted—we can ourselves control, and to some degree we can help in doing away with the extravagance caused by international rivalries.

These are all definite methods by which something can be accomplished in the direction of decreasing the cost of living. All taken together, will not fully meet the situation. There are in it elements which as yet we do not understand. We

can be certain that the remedy proposed by the Democratic party is a quack remedy. It is just as emphatically a quack remedy as was the quack remedy, the panacea, the universal cure-all which they proposed sixteen years ago. It is instructive to compare what they now say with what they said in 1896. Only sixteen years ago they were telling us that the decrease in prices was fatal to our people, that the fall in the production of gold, and, as a consequence, the fall in the prices of commodities, was responsible for our ills. Now they ascribe these ills to diametrically opposite causes, such as the rise in the price of commodities. It may well be that the immense output of gold during the last few years is partly responsible for certain phases of the present trouble—which is an instructive commentary on the wisdom of those men who sixteen years ago insisted that the remedy for everything was to be found in the mere additional output of coin, silver and gold alike. There is no more curious delusion than that the Democratic platform is a progressive platform. The Democratic platform, representing the best thought of the acknowledged Democratic leaders at Baltimore, is purely retrogressive and reactionary. There is no progress in it. It represents an effort to go back; to put this nation of a hundred millions, existing under modern conditions, back to where it was as a nation of twenty-five millions in the days of the stage-coach and canal-boat. Such an attitude is Toryism not Progressivism.

In addition, then, to the remedies that we can begin forthwith, there should be a fearless, intelligent, and searching inquiry into the whole subject made by an absolutely non-partisan body of experts, with no prejudices to warp their minds, no object to serve, who shall recommend any necessary remedy, heedless of what interest may be helped or hurt thereby, and caring only for the interests of the people as a whole.

We believe that there exists an imperative need for prompt legislation for the improvement of our national currency system. The experience of repeated financial crises in the last forty years has proved that the present method of issuing

through private agencies, notes secured by government bonds is both harmful and unscientific. This method was adopted as a means of financing the government during the Civil War through furnishing a domestic market for government bonds. It was largely successful in fulfilling that purpose; but that need is long past, and the system has outlived this feature of its usefulness. The issue of currency is fundamentally a governmental function. The system to be adopted should have as its basic principles soundness and elasticity. The currency should flow forth readily at the demand of commercial activity, and retire as promptly when the demand diminishes. It should be automatically sufficient for all of the legitimate needs of business in any section of the country. Only by such means can the country be freed from the danger of recurring panics. The control should be lodged with the government, and should be safeguarded against manipulation by Wall Street or the large interests. It should be made impossible to use the machinery or perquisites of the currency system for any speculative purposes. The country must be safeguarded against the overexpansion or unjust contraction of either credit or circulating medium.

There can be no greater issue than that of conservation in this country. Just as we must conserve our men, women, and children, so we must conserve the resources of the land on which they live. We must conserve the soil so that our children shall have a land that is more and not less fertile than that our fathers dwelt in. We must conserve the forests, not by disuse but by use, making them more valuable at the same time that we use them. We must conserve the mines. Moreover, we must insure so far as possible the use of certain types of great natural resources for the benefit of the people as a whole. The public should not alienate its fee in the water-power which will be of incalculable consequence as a source of power in the immediate future. The nation and the States within their several spheres should by immediate legislation keep the fee of the water-power, leasing its use only for a

reasonable length of time on terms that will secure the interests of the public. Just as the nation has gone into the work of irrigation in the West, so it should go into the work of helping reclaim the swamp-lands of the South. We should undertake the complete development and control of the Mississippi as a national work, just as we have undertaken the work of building the Panama Canal. We can use the plant, and we can use the human experience, left free by the completion of the Panama Canal in so developing the Mississippi as to make it a mighty highroad of commerce, and a source of fructification and not of death to the rich and fertile lands lying along its lower length.

In the West, the forests, the grazing-lands, the reserves of every kind, should be so handled as to be in the interests of the actual settler, the actual home-maker. He should be encouraged to use them at once, but in such a way as to preserve and not exhaust them. We do not intend that our natural resources shall be exploited by the few against the interests of the many, nor do we intend to turn them over to any man who will wastefully use them by destruction, and leave to those who come after us a heritage damaged by just so much. The man in whose interests we are working is the small farmer and settler, the man who works with his own hands, who is working not only for himself but for his children, and who wishes to leave to them the fruits of his labor. His permanent welfare is the prime factor for consideration in developing the policy of conservation; for our aim is to preserve our natural resources for the public as a whole, for the average man and the average woman who make up the body of the American people.

Alaska should be developed at once, but in the interest of the actual settler. In Alaska the government has an opportunity of starting in what is almost a fresh field to work out various problems by actual experiment. The government should at once construct, own, and operate the railways in Alaska. The government should keep the fee of all the coal-

fields and allow them to be operated by lessees with the conditions in the lease that non-use shall operate as a forfeit. Telegraph-lines should be operated as the railways are. Moreover, it would be well in Alaska to try a system of land taxation which will, so far as possible, remove all the burdens from those who actually use the land, whether for building or for agricultural purposes, and will operate against any man who holds the land for speculation, or derives an income from it based, not on his own exertions, but on the increase in value due to activities not his own. There is very real need that this nation shall seriously prepare itself for the task of remedying social injustice and meeting social problems by well-considered governmental effort; and the best preparation for such wise action is to test by actual experiment under favorable conditions the devices which we have reason to believe will work well, but which it is difficult to apply in old settled communities without preliminary experiment.

In international affairs this country should behave toward other nations exactly as an honorable private citizen behaves toward other private citizens. We should do no wrong to any nation, weak or strong, and we should submit to no wrong. Above all, we should never in any treaty make any promise which we do not intend in good faith to fulfil. I believe it essential that our small army should be kept at a high pitch of perfection, and in no way can it be so damaged as by permitting it to become the plaything of men in Congress who wish to gratify either spite or favoritism, or to secure to localities advantages to which those localities are not entitled. The navy should be steadily built up; and the process of upbuilding must not be stopped until—and not before—it proves possible to secure by international agreement a general reduction of armaments. The Panama Canal must be fortified. It would have been criminal to build it if we were not prepared to fortify it and to keep our navy at such a pitch of strength as to render it unsafe for any foreign power to attack us and get control of it. We have a perfect right to permit our coast-

wise traffic (with which there can be no competition by the merchant marine of any foreign nation—so that there is no discrimination against any foreign marine) to pass through that Canal on any terms we choose, and I personally think that no toll should be charged on such traffic. Moreover, in time of war, where all treaties between warring nations, save those connected with the management of the war, at once lapse, the Canal would, of course, be open to the use of our war-ships and closed to the war-ships of the nation with which we were engaged in hostilities. But at all times the Canal should be opened on equal terms to the ships of all nations, including our own, engaged in international commerce. That was the understanding of the treaty when it was adopted, and the United States must always, as a matter of honorable obligation, and with scrupulous nicety, live up to every understanding which she has entered into with any foreign power.

The question that has arisen over the right of this nation to charge tolls on the Canal vividly illustrates the folly and iniquity of making treaties which cannot and ought not to be kept. As a people there is no lesson we more need to learn than the lesson not in an outburst of emotionalism to make a treaty that ought not to be, and could not be, kept; and the further lesson that, when we do make a treaty, we must soberly live up to it as long as changed conditions do not warrant the serious step of denouncing it. If we had been so unwise as to adopt the general arbitration treaties a few months ago, we would now be bound to arbitrate the question of our right to free our own coastwise traffic from canal tolls; and at any future time we might have found ourselves obliged to arbitrate the question whether, in the event of war, we could keep the Canal open to our own war-vessels and closed to those of our foes. There could be no better illustration of the extreme unwisdom of entering into international agreements without paying heed to the question of keeping them. On the other hand, we deliberately, and with our eyes open, and after ample consideration and discussion, agreed to treat all merchant ships

on the same basis; it was partly because of this agreement that there was no question raised by foreign nations as to our digging and fortifying the Canal; and, having given our word, we must keep it. When the American people make a promise, that promise must and will be kept.

Now, friends, this is my confession of faith. I have made it rather long because I wish you to know what my deepest convictions are on the great questions of to-day, so that if you choose to make me your standard-bearer in the fight you shall make your choice understanding exactly how I feel—and if, after hearing me, you think you ought to choose some one else, I shall loyally abide by your choice. The convictions to which I have come have not been arrived at as the result of study in the closet or the library, but from the knowledge I have gained through hard experience during the many years in which, under many and varied conditions, I have striven and toiled with men. I believe in a larger use of the governmental power to help remedy industrial wrongs, because it has been borne in on me by actual experience that without exercise of such power many of the wrongs will go unremedied. I believe in a larger opportunity for the people themselves directly to participate in government and to control their governmental agents, because long experience has taught me that without such control many of their agents will represent them badly. By actual experience in office I have found that, as a rule, I could secure the triumph of the causes in which I most believed, not from the politicians and the men who claim an exceptional right to speak in business and government, but by going over their heads and appealing directly to the people themselves. I am not under the slightest delusion as to any power that during my political career I have at any time possessed. Whatever of power I at any time had, I obtained from the people. I could exercise it only so long as, and to the extent that, the people not merely believed in me, but heartily backed me up. Whatever I did as President I was able to do only because I had the backing of the people. When on any

point I did not have that backing, when on any point I differed from the people, it mattered not whether I was right or whether I was wrong, my power vanished. I tried my best to lead the people, to advise them, to tell them what I thought was right; if necessary, I never hesitated to tell them what I thought they ought to hear, even though I thought it would be unpleasant for them to hear it; but I recognized that my task was to try to lead them and not to drive them, to take them into my confidence, to try to show them that I was right, and then loyally and in good faith to accept their decision. I will do anything for the people except what my conscience tells me is wrong, and that I can do for no man and no set of men; I hold that a man cannot serve the people well unless he serves his conscience; but I hold also that where his conscience bids him refuse to do what the people desire, he should not try to continue in office against their will. Our government system should be so shaped that the public servant, when he cannot conscientiously carry out the wishes of the people, shall at their desire leave his office and not misrepresent them in office; and I hold that the public servant can by so doing, better than in any other way, serve both them and his conscience.

Surely there never was a fight better worth making than the one in which we are engaged. It little matters what befalls any one of us who for the time being stands in the forefront of the battle. I hope we shall win, and I believe that if we can wake the people to what the fight really means we shall win. But, win or lose, we shall not falter. Whatever fate may at the moment overtake any of us, the movement itself will not stop. Our cause is based on the eternal principle of righteousness; and even though we who now lead may for the time fail, in the end the cause itself shall triumph. Six weeks ago, here in Chicago, I spoke to the honest representatives of a convention which was not dominated by honest men; a convention wherein sat, alas! a majority of men who, with sneering indifference to every principle of right, so acted as to bring to a shameful end a party which had been founded over a half-

century ago by men in whose souls burned the fire of lofty endeavor. Now to you men, who, in your turn, have come together to spend and be spent in the endless crusade against wrong, to you who face the future resolute and confident, to you who strive in a spirit of brotherhood for the betterment of our nation, to you who gird yourselves for this great new fight in the never-ending warfare for the good of humankind, I say in closing what in that speech I said in closing: We stand at Armageddon, and we battle for the Lord.

23

THE PROGRESSIVES AND THE COLORED MAN[1]

THE recent Progressive National convention differed strikingly, in many ways, from all previous conventions of both the Republican and the Democratic parties, and in no way more markedly than in its action toward the colored man. For many years the attitude of the Democratic party toward the colored man has been one of brutality, and the attitude of the Republican party toward him one of hypocrisy. One party has brutally denied him, not only his rights, but all hope of ever being treated aright; the other has hypocritically pretended to be zealous for his rights, but has acted only in ways that did him harm and not good. The Progressives, on the contrary, have at the very outset of their party career acted toward him with good faith and also with entire frankness and sincerity, keeping true to their ideals and yet also looking facts in the face, performing for him in the present more than either of the old parties has ever performed, acting so that there will be an increased measure of performance in the future, and yet promising nothing that cannot be performed.

The reasons for the action which we took were set forth in my letter to Mr. Julian Harris, son of Joel Chandler Harris and a delegate in the convention from Georgia; and also in my speech to the convention, in answer to a question asked me from the galleries. The action of the convention proved the good faith with which we spoke.

In National Republican conventions there have usually been a number of negro delegates from the South—largely men of bad character, almost openly venal—and practically none from

[1] *The Outlook,* August 24, 1912.

the North. In the Democratic conventions there have been none from the South, and rarely one from anywhere. In the Progressive National convention there were numerous colored delegates from the North—from Massachusetts, Rhode Island, New Jersey, Pennsylvania, Ohio, Indiana, Illinois—and also from the belt of States in the South that used to be called "border" States—Delaware, Maryland, West Virginia, Kentucky, Tennessee, Arkansas. From all these States taken together, in all of which there already existed a real and strong Progressive party, there were several times as many colored delegates as had ever been in a Republican National convention. All these delegates were men of character and standing, who stood on a level with their white fellow delegates in point of ability and integrity. From the South Atlantic and Gulf States there were no colored delegates, and from two of them no white delegates. In these States the Progressive party had to be formed out of absolutely new material.

The Progressive convention, therefore, on this point differed from the Democratic conventions in the fact that there were many colored delegates instead of none. It differed from the Republican conventions in the fact that these colored delegates came from the States where there were strong white Progressive parties, whereas in the Republican conventions the colored men came from States where there was no white Republican party. The Progressives did justice to their own colored neighbors who dwelt among them, whereas the Republicans had always exercised a cheap virtue by admitting colored delegates from the States where they themselves did not dwell. Incidentally, I wish to emphasize the fact that absolutely no good of any kind resulted to the colored man from being allowed to appear as a farcical "delegate" from States wherein he possessed no shred of real political power.

I instance the Progressive National convention, in the first place because in this regard it is an instance of performance instead of mere promise; and in the next place because it shows just the attitude we Progressives are taking toward the

difficult question of actually getting fair play between the two races, instead of merely indulging in fine talk about it.

We feel with all our hearts that in a democracy like ours, and, above all, in such a genuinely democratic movement as ours, we cannot permanently succeed except on the basis of treating each man on his worth as a man. The humblest among us, no matter what his creed, his birthplace, or the color of his skin, so long as he behaves in straight and decent fashion, must have guaranteed to him under the law his right to life and liberty, to protection from injustice, to the enjoyment of the fruits of his own labor, and to do his share in the work of self-government on the same terms with others of like fitness. Our movement is in the interest of every honest, industrious, law-abiding colored man, just as it is in the interest of every honest, industrious, law-abiding white man. To this cause, embodying this as one of our chief tenets, we have dedicated ourselves, with whatever of high purpose, of wisdom, patience, and resolute courage we possess.

Now, as regards the colored man, the only way to realize these principles is to promote good-will and the spirit of fair dealing between him and the white man who is his neighbor. The white man in other countries can do very little to help the colored man in this country; and so, within our own limits, the white man in one section can do but little for the colored man in another section compared to what can be done by that colored man's own white neighbor, if this white neighbor will only himself undertake the task. For nearly half a century the Republican party has proceeded on the theory that the colored man in the South, in order to secure him his political rights, should be encouraged to antagonize the white man in the South; for nearly half a century the Democratic party has encouraged the white man of the South to trample on the colored man. The Republican policy has utterly and miserably failed in its object; it has not only done no good to the colored man, but has harmed him, has also harmed the white man of the South, and through the votes of the colored man of the

South in the national convention has finally destroyed the Republican party itself. The Democratic party has succeeded in its policy, but at the cost of the utmost damage not only to the colored man, but also to those in whose interest the policy was supposed to be carried on—the white men of the South themselves. One of the greatest services that can be performed for the white men of the South is to emancipate them from their slavery to the Democratic party. As regards the colored man, I need hardly point out that the Democratic party is, as it always has been, his consistent foe; and no man who supports the Democratic party and its candidates in this contest can honestly say that he is the friend of the colored man, or entitled to be listened to when he pretends to be such.

Unlike the Democratic party, the Progressive party stands for justice and fair dealing toward the colored man; and, unlike the Republican party, it proposes to secure him justice and fair dealing in the only practicable way, by encouraging in every part of the country good feeling between the white men and the colored men who are neighbors, and by appealing in every part of the country to the white men who are the colored man's neighbors, and who alone can help him, to give him such help, not because they are forced by outsiders to do so, but as a matter of honorable obligation freely recognized on their own part. The plans already tried by the Republican and Democratic parties have failed utterly and hopelessly. No other plan than the one we propose offers the remotest chance of benefiting either the white man or the colored man of the South. Therefore it is merely the part of wisdom to try our plan, which is to try for the gradual re-enfranchisement of the worthy colored man of the South by frankly giving the leadership of our movement to the wisest and justest white men of the South.

Now, the first essential is to show that we are honest in our proposals. The Republican party became deeply tainted with hypocrisy because it practically confined its manifestations of friendship for the negro to loud protestations and to acts on

behalf of the negro who lived somewhere else. We have begun and must go on by showing our good faith in our treatment of the negro at home.

This we have already done; in the States where the Progressive party is already flourishing we have given him a share in its councils such as the Republican party never dreamed of doing. This is true not only as regards the numbers but as regards the character of the colored men who have sat in our conventions. We realize that it behooves us to look to the conditions of life among our colored as well as among our white fellow citizens of the North; there have been plenty of lynchings and race-riots in the North; and we intend to make serious and conscientious effort to do away with the conditions which have brought about these race-riots and lynchings.

In the South we propose to proceed just as we are proceeding in the North, by appealing to what is best in the best men in the country, the most upright and honest and far-sighted citizens. The average American objects to being driven, but he is susceptible to any appeal made frankly to his sense of honor and justice. We no more propose to try, or pretend to try, to dragoon the people of Georgia or Louisiana than the people of New York or Illinois. We feel that when the movement is allowed to come from within, the men of the right type from the South Atlantic and Gulf States will act as their brethren elsewhere act; and then the colored man who is a good citizen will have the same chance in one place as in another. The Progressives of West Virginia, Maryland, Tennessee, Kentucky, have set a standard to which we have the reasonable hope that the States touching them on the south will attain when there is no longer any attempt made to drive them, when the matter is left to their own awakened consciences, and when the men who live elsewhere, under easier conditions, themselves do their duty by the negro, showing neither brutality and lack of consideration nor foolish sentimentality and the attempt to treat shams as facts.

Our hope is that under the lead of practical, competent, high-

minded white men, we shall in the end everywhere see—and nowhere save under such lead will we ever see—the right of free political expression secured to the negro who shows that he possesses the intelligence, integrity, and self-respect which justify such right of political expression in his white neighbor. That this is a reasonable hope is shown by Mr. Harris in his letter answering mine. He says:

"The white man in the South is desirous of genuinely helping the negro. The progress of the negro industrially and agriculturally in the South has been under the supervision and with the co-operation of his white neighbor. That this progress has been amazing only a glance at the proper government reports is necessary to prove. The patriotic, sensible white men of the South desire to see the negro built up in character and stimulated to a sense of personal responsibility. . .

"Under these conditions (created by the action of the Progressive party) it will become for the first time possible that the negro who shows the qualities that entitle him to respect and confidence will, with the cordial good-will of his white neighbors, do his part in healthy political work for the common good."

Both of the old parties have utterly failed even to attempt to look this question squarely in the face, and to try to solve it in a spirit of justice combined with common sense. Indeed, no party for half a century so much as made the effort, until the Progressives in Chicago took the action they did. No other plan than that we propose offers even the remotest chance of success. That ours, if honestly carried out, will work a measurable betterment in conditions in both North and South seems to me certain. Such being the case, it should surely be tried.

24

LIMITATION OF GOVERNMENTAL POWER[1]

IN one of his campaign speeches Mr. Wilson made a sweeping assault on the Progressive platform and programme and defined his own position as to social and industrial justice. According to the stenographic report of his speech, Mr. Wilson stated that there is no hope for social reform through the platform of the Progressive party, saying: "In the very form itself is supplied the demonstration that it is not a serviceable instrument. They do propose to serve civilization and humanity but they cannot serve civilization and humanity with that kind of government. . . . The history of liberty is a history of the limitation of governmental power, not the increase of it."

And he then continues to uphold what he calls "representative" government and "representative" assemblies as against the platform that we propose, and also to uphold the Democratic proposals for dealing with labor and the trusts as against the Progressive proposals.

Mr. Wilson is fond of asserting his platonic devotion to the purposes of the Progressive party. But such platonic devotion is utterly worthless from a practical standpoint, because he antagonizes the only means by which those purposes can be made effective. It is idle to profess devotion to Progressive principles and at the same time to antagonize the only methods by which they can be realized in actual fact.

They key to Mr. Wilson's position is found in the statement I have just quoted, when he says that "The history of liberty is a history of the limitation of governmental power, not the increase of it."

[1] Address at the Coliseum, San Francisco, Sept. 14, 1912.

This is a bit of outworn academic doctrine which was kept in the schoolroom and the professorial study for a generation after it had been abandoned by all who had experience of actual life. It is simply the *laissez-faire* doctrine of the English political economists three-quarters of a century ago. It can be applied with profit, if anywhere at all, only in a primitive community under primitive conditions, in a community such as the United States at the end of the eighteenth century, a community before the days of Fulton, Morse and Edison. To apply it now in the United States at the beginning of the twentieth century, with its highly organized industries, with its railways, telegraphs, and telephones, means literally and absolutely to refuse to make a single effort to better any one of our social or industrial conditions.

Moreover, Mr. Wilson is absolutely in error in his statement, from the historical standpoint.

So long as governmental power existed exclusively for the king and not at all for the people, then the history of liberty was a history of the limitation of governmental power. But now the governmental power rests in the people, and the kings who enjoy privilege are the kings of the financial and industrial world; and what they clamor for is the limitation of governmental power, and what the people sorely need is the extension of governmental power.

If Mr. Wilson's statement means nothing, then he ought not to have made it.

If it means anything, it means that every law for the promotion of social and industrial justice which has been put upon the statute-books ought to be repealed, and every law proposed should be abandoned, for without exception every such law represents an increase of governmental power. Does Mr. Wilson mean to repeal the interstate commerce commission law? If not, does he deny that it represents a great increase of governmental power over the railroads? Let him take whichever horn of the dilemma he chooses. Either his statement is not in accordance with the facts or else he is bound, if

it is in accordance with the facts as he sees them, to include in his programme the repeal of the Interstate Commerce Commission Act.

Again, every Progressive State in the Union has passed laws for factory inspection; every such law means an increase of governmental power. Is Mr. Wilson in favor of repealing those laws? If he is not, then what does he mean by saying that the history of liberty is the history of the limitation of governmental power?

The fact is that his statement is a mere bit of professorial rhetoric, which has not one particle of foundation in the facts of the present day.

Again, we propose to limit the hours of working girls to eight hours a day; we propose to limit the hours of working men in continuous industries to eight hours a day, and to give them one day's rest a week. Both of these proposals represent an increase in the exercise of governmental power, an extension of governmental power. Does Mr. Wilson mean that he is against this extension? If not, then his sentence which I have just quoted and which represents the key-note of his speech, means nothing whatever.

In other words, Mr. Wilson's promise is either a promise that is not to be kept or else it means the undoing of every particle of social and industrial advance we have made and the refusal to go forward along the lines of industrial and social progress.

He stands for a policy which necessarily means, if that policy is honestly put into effect, that he must be against every single progressive measure, for every progressive measure means an extension, instead of a limitation, of governmental control.

We propose to do away with occupational disease. Is he against this proposition? He must be if he believes in limitation of government control.

We propose a workman's compensation act. Is he against this proposition? He must be if he sincerely means that he is in favor of the limitation of governmental control.

We propose to regulate the conditions of work in factories,

the conditions of life in tenement-houses, the conditions of life and work in construction camps—every one of these proposals means an extension of governmental control. Is he against them?

Either he is against his own principle or he is against these reforms. He can choose either horn of the dilemma he wishes; but one or the other he must choose.

He has definitely committed himself to the use of the taxing power only for the purpose of raising revenue. In that case he is against its use to put out of existence the poisonous-match industry. He is against its use for the purpose of preventing opium coming into this country. He is against its use for preventing wildcat banking. In short, he is against its use in every case where we now use it to tax out of existence dangers and abuses.

The trouble with Mr. Wilson is that he is following an outworn philosophy and that the history of which he is thinking is the history of absolute monarchies and Oriental despotisms. He is thinking of government as embodied in an absolute king or in an oligarchy or aristocracy. He is not thinking of our government, which is a government by the people themselves.

The only way in which our people can increase their power over the big corporation that does wrong, the only way in which they can protect the working man in his conditions of work and life, the only way in which the people can prevent children working in industry or secure women an eight-hour day in industry, or secure compensation for men killed or crippled in industry, is by extending, instead of limiting, the powers of government.

There is no analogy whatever from the standpoint of real liberty, and of real popular need, between the limitations imposed by the people on the power of an irresponsible monarch or a dominant aristocracy, and the limitations sought to be imposed by big financiers, by big corporation lawyers, and by well-meaning students of a dead-and-gone system of political economy on the power of the people to right social wrongs and

limit social abuses, and to secure for the humble what, unless there is an extension of the powers of government, the arrogant and the powerful will certainly take from the humble.

If Mr. Wilson really believes what he has said, then Mr. Wilson has no idea of our government in its actual working. He is not thinking of modern American history or of present-day American needs. He is thinking of *Magna Carta,* which limited the power of the English king, because his power over the people had before been absolute. He is thinking of the Bill of Rights, which limited the power of the governing class in the interest of the people, who could not control that governing class.

Our proposal is to increase the power of the people themselves and to make the people in reality the governing class. Therefore Mr. Wilson's proposal is really to limit the power of the people and thereby to leave unchecked the colossal embodied privileges of the present day.

Now, you can adopt one philosophy or the other. You can adopt the philosophy of *laissez-faire,* of the limitation of governmental power, and turn the industrial life of this country into a chaotic scramble of selfish interests, each bent on plundering the other and all bent on oppressing the wage-worker. This is precisely and exactly what Mr. Wilson's proposal means; and it can mean nothing else. Under such limitations of governmental power as he praises, every railroad must be left unchecked, every great industrial concern can do as it chooses with its employees and with the general public; women must be permitted to work as many hours a day as their taskmasters bid them; great corporations must be left unshackled to put down wages to a starvation limit and to raise the price of their products as high as monopolistic control will permit.

The reverse policy means an extension, instead of a limitation, of governmental power; and for that extension, we Progressives stand.

We propose to handle the colossal industrial concerns engaged in interstate business as we are handling the great rail-

ways engaged in interstate business; and we propose to go forward in the control of both, doing justice to each but exacting justice from each; and we propose to work for justice to the farmer and the wage-worker in the same fashion.

Let me give you a concrete instance of what Mr. Wilson's policy, if applied, means as compared with ours. The Stanley Committee, the Democratic committee of the Democratic House of Representatives, has practically applied its interpretation of the Democratic platform about trusts, which is substantially the Republican platform, the Wilson-Taft platform. Some time previously under governmental suit the Standard Oil Trust was dissolved. Under the decree of the court the Standard Oil Company was split up into a lot of smaller companies, precisely as the Stanley Report proposes that similar trusts shall be split up. What has been the actual result? All the companies are still under the same control, or at least working in such close alliance that the effect is precisely the same. The price of the stock has gone up over one hundred per cent, so that Mr. Rockefeller and his associates have actually seen their fortunes doubled by the policy which Mr. Wilson advocates and which Mr. Taft defends. At the same time the price of oil to the consumer has gone up by leaps and bounds. No wonder that Wall Street's prayer now is: "Oh, Merciful Providence, give us another dissolution."

In short, the Taft-Wilson plan has actually resulted in enormously benefiting Mr. Rockefeller and his associates and in causing serious damage to all consumers.

The Progressive proposal is the direct reverse of all this. If we had our way, there would be an administrative body to deal radically and thoroughly with such a case as that of the Standard Oil Company. We would make any split-up of the company that was necessary real and not nominal. We would step in in such a case as this where the value of the stock was going up in such enormous proportion and forbid any increase of the price of the product. We would examine thoroughly and searchingly the books of the company and put a

stop to every type of rebate and to every practice which would result in the swindling either of investors or competitors or wage-workers or of the general public.

Our plan—the plan to which Mr. Archbold of the Standard Oil Trust so feelingly objects as "Abyssinian treatment"—would result in preventing any increase of cost to the consumer and in exercising the kind of radical control over the corporation itself, which would prevent the stock-gambling antics which result in enormous profits to those on the inside, to those who, in the parlance of the street, know that "there is a melon to be cut."

Now, I have stated as fairly as I know how what Mr. Wilson's plan is, if his words mean anything, and what our plan is. And I ask every working man, every farmer, every professional and business man, to say for themselves which is best.

The people of the United States have but one instrument which they can efficiently use against the colossal combinations of business—and that instrument is the government of the United States (and of course in the several States the governments of the States where they can be utilized). Mr. Wilson's proposal is that the people of the United States shall throw away this, the one great instrument, the one great weapon they have with which to secure themselves against wrong. He proposes to limit the governmental action of the people and therefore to leave unlimited and unchecked the action of the great corporations whose enormous power constitutes so serious a problem in modern industrial life. Remember that it is absolutely impossible to limit the power of these great corporations whose enormous power constitutes so serious a problem in modern industrial life except by extending the power of the government. All that these great corporations ask is that the power of the government shall be limited. No wonder they are supporting Mr. Wilson, for he is advocating for them what they hardly dare venture to advocate for themselves. These great corporations rarely want anything from the gov-

ernment except to be let alone and to be permitted to work their will unchecked by the government. All that they really want is that governmental action shall be limited. In every great corporation suit the corporation lawyer will be found protesting against extension of governmental power. Every court decision favoring a corporation takes the form of declaring unconstitutional some extension of governmental power. Every corporation magnate in the country who is not dealing honestly and fairly by his fellows asks nothing better than that Mr. Wilson's programme be carried out and that there be stringent limitations of governmental power.

There once was a time in history when the limitation of governmental power meant increasing liberty for the people. In the present day the limitation of governmental power, of governmental action, means the enslavement of the people by the great corporations who can only be held in check through the extension of governmental power.

In another speech Mr. Wilson has taken his stand squarely on the Democratic platform about the tariff. The Democratic platform says the tariff is unconstitutional in so far as it gives protection and that therefore it must be entirely removed. Mr. Wilson states that the protective tariff is "a malignant growth that requires a surgical operation"; and he explicitly promises to be the surgeon "to cut out the deadly thing." Here again, if language means anything, either in the platform or in Mr. Wilson's speeches, there is a direct promise to destroy the protective tariff. This is not a promise to reform it, to reduce it, to do away with it where it is excessive, to see that the wage-worker is benefited by it, that it operates to the advantage of the producer and at the same time benefits the consumer. These are the promises of the Progressive platform. Mr. Wilson's promise is a tariff for destruction. If a protective tariff is unconstitutional, if a protective tariff is "a malignant growth" which he proposes to "cut out," then it is disingenuous to say that the operation shall be done in slow and leisurely fashion so as not to damage the patient. A malig-

nant growth must be cut out at once; an unconstitutional law must be repealed at once.

The Republican proposal is a tariff for privilege; the Democratic proposal is a tariff for destruction; the Progressive proposal is a tariff for labor, a tariff which shall give to the American business man his fair show, both permitting and requiring him to pay the American laborer the wages necessary to keep up the standard of living in this country.

Mr. Wilson's attitude toward the tariff is exactly in keeping with his attitude toward social and industrial reforms. He is against the minimum wage for women exactly as he is against a protective tariff. His principles would prevent us either effectually helping labor or effectually regulating and controlling big business.

He is against using the power of the government to help the people to whom the government belongs.

We take flat issue with him. We propose to use the government as the most efficient instrument for the uplift of our people as a whole; we propose to give a fair chance to the workers and strengthen their rights. We propose to use the whole power of the government to protect all those who, under Mr. Wilson's *laissez-faire* system, are trodden down in the ferocious, scrambling rush of an unregulated and purely individualistic industrialism.

25

HOW I BECAME A PROGRESSIVE[1]

I SUPPOSE I had a natural tendency to become a Progressive, anyhow. That is, I was naturally a democrat, in believing in fair play for everybody. But I grew toward my present position, not so much as the result of study in the library or the reading of books—although I have been very much helped by such study and by such reading—as by actually living and working with men under many different conditions and seeing their needs from many different points of view.

The first set of our people with whom I associated so intimately as to get on thoroughly sympathetic terms with them were cow-punchers, then on the ranges in the West. I was so impressed with them that in doing them justice I did injustice to equally good citizens elsewhere whom I did not know; and it was a number of years before I grew to understand, first by associating with railway men, then with farmers, then with mechanics, and so on, that the things that I specially liked about my cow-puncher friends were, after all, to be found fundamentally in railway men, in farmers, in blacksmiths, in carpenters—in fact, generally among my fellow American citizens.

Before I began to go with the cow-punchers, I had already, as the result of experience in the legislature at Albany, begun rather timidly to strive for social and industrial justice. But at that time my attitude was that of giving justice from above. It was the experience on the range that first taught me to try

[1] *The Outlook*, October 12, 1912.

to get justice for all of us by working on the same level with the rest of my fellow citizens.

It was the conviction that there was much social and industrial injustice and the effort to secure social and industrial justice that first led me to taking so keen an interest in popular rule.

For years I accepted the theory, as most of the rest of us then accepted it, that we already had popular government; that this was a government by the people. I believed the power of the boss was due only to the indifference and short-sightedness of the average decent citizen. Gradually it came over me that while this was half the truth, it was only half the truth, and that while the boss owed part of his power to the fact that the average man did not do his duty, yet that there was the further fact to be considered, that for the average man it had already been made very difficult instead of very easy for him to do his duty. I grew to feel a keen interest in the machinery for getting adequate and genuine popular rule, chiefly because I found that we could not get social and industrial justice without popular rule, and that it was immensely easier to get such popular rule by the means of machinery of the type of direct nominations at primaries, the short ballot, the initiative, referendum, and the like.

I usually found that my interest in any given side of a question of justice was aroused by some concrete case. It was the examination I made into the miseries attendant upon the manufacture of cigars in tenement-houses that first opened my eyes to the need of legislation on such subjects. My friends come from many walks of life. The need for a workmen's compensation act was driven home to me by my knowing a brakeman who had lost his legs in an accident, and whose family was thereby at once reduced from self-respecting comfort to conditions that at one time became very dreadful. Of course, after coming across various concrete instances of this kind, I would begin to read up on the subject, and then I would get in touch with social workers and others who were experts and

could acquaint me with what was vital in the matter. Looking back, it seems to me that I made my greatest strides forward while I was police commissioner, and this largely through my intimacy with Jacob Riis, for he opened all kinds of windows into the matter for me.

The conservation movement I approached from slightly different lines. I have always been fond of history and of science, and what has occurred to Spain, to Palestine, to China, and to North Africa from the destruction of natural resources is familiar to me. I have always been deeply impressed with Liebig's statement that it was the decrease of soil fertility, and not either peace or war, which was fundamental in bringing about the decadence of nations. While unquestionably nations have been destroyed by other causes, I have become convinced that it was the destruction of the soil itself which was perhaps the most fatal of all causes. But when, at the beginning of my term of service as President, under the influence of Mr. Pinchot and Mr. Newell, I took up the cause of conservation, I was already fairly well awake to the need of social and industrial justice; and from the outset we had in view, not only the preservation of natural resources, but the prevention of monopoly in natural resources, so that they should inhere in the people as a whole. There were plenty of newspapers, the New York *Times, Sun,* and *Evening Post,* for instance, which cordially supported our policy of conservation as long as we did not try to combine it with a movement against monopolization of resources, and which promptly abandoned us when it became evident that we wished to conserve the resources not for a part of the people but for all of the people.

The country-life movement was simply another side of this movement for a better and juster life. From Mary E. Wilkins to Sarah O. Jewett, in story after story which I would read for mere enjoyment, I would come upon things that not merely pleased me but gave me instruction—I have always thought that a good novel or a good story could teach quite as much as a more solemnly pretentious work, if it was written in the right

way and read in the right way—and then my experience on farms, my knowledge of farmers, the way I followed what happened to the sons and daughters of the farmers I knew, all joined to make me feel the need of arousing the public interest and the public conscience as regards the conditions of life in the country.

Here again I have been fortunate enough to live with my own people, and not to live as an outsider, but as a man doing his share of the work. I know what the work and what the loneliness of a farmer's life too often are. I do not want to help the farmer or to help his wife in ways that will soften either, but I do want to join with both, and try to help them and help myself and help all of us, not by doing away with the need of work, but by trying to create a situation in which work will be more fruitful, and in which the work shall produce and go hand in hand with opportunities for self-development.

Very early I learned through my reading of history, and I found through my association with reformers, that one of the prime difficulties was to get the man who wished reform within a nation also to pay heed to the needs of the nation from the international standpoint. Every little city or republic of antiquity was continually torn between factions which wished to do justice at home but were weak abroad, and other factions which secured justice abroad by the loss of personal liberty at home. So here at home I too often found that men who were ardent for social and industrial reform would be ignorant of the needs of this nation as a nation, would be ignorant of what the navy meant to the nation, of what it meant to the nation to have and to fortify and protect the Panama Canal, of what it meant to the nation to get from the other nations of mankind the respect which comes only to the just, and which is denied to the weaker nation far more quickly than it is denied to the stronger.

It ought not to be necessary to insist upon a point like this, with China before our very eyes offering the most woful example of the ruin that comes to a nation which cannot defend

itself against aggression—and China, by the way, offers the further proof that centuries of complete absence of militarism may yet result in the development of all the worst vices and all the deepest misery that grow up in nations that suffer from overmuch militarism. Here again I learn from books, I learn from study, and I learn most by dealing with men.

I feel that the Progressive party owes no small part of its strength to the fact that it not only stands for the most far-reaching measures of social and industrial reform, but in sane and temperate fashion stands also for the right and duty of this nation to take a position of self-respecting strength among the nations of the world, to take such a position as will do injustice to no foreign power, strong or weak, and yet will show that it has both the spirit and the strength to repel injustice from abroad.

26

THE LEADER AND THE CAUSE[1]

FRIENDS, I shall ask you to be as quiet as possible. I don't know whether you fully understand that I have just been shot; but it takes more than that to kill a Bull Moose. But fortunately I had my manuscript, so you see I was going to make a long speech, and there is a bullet—there is where the bullet went through—and it probably saved me from it going into my heart. The bullet is in me now, so that I cannot make a very long speech, but I will try my best.

And now, friends, I want to take advantage of this incident and say a word of solemn warning to my fellow countrymen. First of all, I want to say this about myself: I have altogether too important things to think of to feel any concern over my own death; and now I cannot speak to you insincerely within five minutes of being shot. I am telling you the literal truth when I say that my concern is for many other things. It is not in the least for my own life. I want you to understand that I am ahead of the game, anyway. No man has had a happier life than I have led; a happier life in every way. I have been able to do certain things that I greatly wished to do, and I am interested in doing other things. I can tell you with absolute truthfulness that I am very much uninterested in whether I am shot or not. It was just as when I was colonel of my regiment. I always felt that a private was to be excused for feeling at times some pangs of anxiety about his personal safety, but I cannot understand a man fit to be a colonel

[1] Address at Milwaukee, Wis., October 14, 1912. Just before entering the auditorium at Milwaukee, an attempt was made on Colonel Roosevelt's life. The speech above is from a stenographic report, differing considerably from the prepared manuscript.—*The Editor.*

who can pay any heed to his personal safety when he is occupied as he ought to be occupied with the absorbing desire to do his duty.

I am in this cause with my whole heart and soul. I believe that the Progressive movement is for making life a little easier for all our people; a movement to try to take the burdens off the men and especially the women and children of this country. I am absorbed in the success of that movement.

Friends, I ask you now this evening to accept what I am saying as absolutely true, when I tell you I am not thinking of my own success. I am not thinking of my life or of anything connected with me personally. I am thinking of the movement. I say this by way of introduction, because I want to say something very serious to our people and especially to the newspapers. I don't know anything about who the man was who shot me to-night. He was seized at once by one of the stenographers in my party, Mr. Martin, and I suppose is now in the hands of the police. He shot to kill. He shot—the shot, the bullet went in here—I will show you.

I am going to ask you to be as quiet as possible for I am not able to give the challenge of the bull moose quite as loudly. Now, I do not know who he was or what party he represented. He was a coward. He stood in the darkness in the crowd around the automobile and when they cheered me, and I got up to bow, he stepped forward and shot me in the darkness.

Now, friends, of course, I do not know, as I say, anything about him; but it is a very natural thing that weak and vicious minds should be inflamed to acts of violence by the kind of awful mendacity and abuse that have been heaped upon me for the last three months by the papers in the interest of not only Mr. Debs but of Mr. Wilson and Mr. Taft.

Friends, I will disown and repudiate any man of my party who attacks with such foul slander and abuse any opponent of any other party; and now I wish to say seriously to all the daily newspapers, to the Republican, the Democratic, and the Socialist parties, that they cannot, month in and month

out and year in and year out, make the kind of untruthful, of bitter assault that they have made and not expect that brutal, violent natures, or brutal and violent characters, especially when the brutality is accompanied by a not very strong mind; they cannot expect that such natures will be unaffected by it.

Now, friends, I am not speaking for myself at all. I give you my word, I do not care a rap about being shot; not a rap. I have had a good many experiences in my time and this is one of them. What I care for is my country. I wish I were able to impress upon my people—our people, the duty to feel strongly but to speak the truth of their opponents. I say now, I have never said one word on the stump against any opponent that I cannot defend. I have said nothing that I could not substantiate and nothing that I ought not to have said —nothing that I—nothing that, looking back at, I would not say again.

Now, friends, it ought not to be too much to ask that our opponents—[*speaking to some one on the stage*]—I am not sick at all. I am all right. I cannot tell you of what infinitesimal importance I regard this incident as compared with the great issues at stake in this campaign, and I ask it not for my sake, not the least in the world, but for the sake of our common country, that they make up their minds to speak only the truth, and not to use the kind of slander and mendacity which if taken seriously must incite weak and violent natures to crimes of violence. Don't you make any mistake. Don't you pity me. I am all right. I am all right and you cannot escape listening to the speech either.

And now, friends, this incident that has just occurred—this effort to assassinate me—emphasizes to a peculiar degree the need of this Progressive movement. Friends, every good citizen ought to do everything in his or her power to prevent the coming of the day when we shall see in this country two recognized creeds fighting one another, when we shall see the creed of the "Havenots" arraigned against the creed of the "Haves." When that day comes then such incidents as

this to-night will be commonplace in our history. When you make poor men—when you permit the conditions to grow such that the poor man as such will be swayed by his sense of injury against the men who try to hold what they improperly have won, when that day comes, the most awful passions will be let loose and it will be an ill day for our country.

Now, friends, what we who are in this movement are endeavoring to do is to forestall any such movement by making this a movement for justice now—a movement in which we ask all just men of generous hearts to join with the men who feel in their souls that lift upward which bids them refuse to be satisfied themselves while their countrymen and countrywomen suffer from avoidable misery. Now, friends, what we Progressives are trying to do is to enroll rich or poor, whatever their social or industrial position, to stand together for the most elementary rights of good citizenship, those elementary rights which are the foundation of good citizenship in this great Republic of ours.

(*At this point a renewed effort was made to persuade Mr. Roosevelt to conclude his speech.*)

My friends are a little more nervous than I am. Don't you waste any sympathy on me. I have had an A-1 time in life and I am having it now.

I never in my life was in any movement in which I was able to serve with such whole-hearted devotion as in this; in which I was able to feel as I do in this that common weal. I have fought for the good of our common country.

And now, friends, I shall have to cut short much of the speech that I meant to give you, but I want to touch on just two or three of the points.

In the first place, speaking to you here in Milwaukee, I wish to say that the Progressive party is making its appeal to all our fellow citizens without any regard to their creed or to their birthplace. We do not regard as essential the way in which a man worships his God or as being affected by where he was born. We regard it as a matter of spirit and

purpose. In New York, while I was police commissioner, the two men from whom I got the most assistance were Jacob Riis, who was born in Denmark, and Arthur von Briesen, who was born in Germany—both of them as fine examples of the best and highest American citizenship as you could find in any part of this country.

I have just been introduced by one of your own men here —Henry Cochems. His grandfather, his father, and that father's seven brothers, all served in the United States army, and they entered it four years after they had come to this country from Germany. Two of them left their lives, spent their lives, on the field of battle. I am all right—I am a little sore. Anybody has a right to be sore with a bullet in him. You would find that if I was in battle now I would be leading my men just the same. Just the same way I am going to make this speech.

At one time I promoted five men for gallantry on the field of battle. Afterward in making some inquiries about them I found it happened that two of them were Protestants, two Catholics, and one a Jew. One Protestant came from Germany and one was born in Ireland. I did not promote them because of their religion. It just happened that way. If all five of them had been Jews I would have promoted them, or if all five had been Protestants I would have promoted them; or if they had been Catholics. In that regiment I had a man born in Italy who distinguished himself by gallantry; there was a young fellow, a son of Polish parents, and another who came here when he was a child from Bohemia, who likewise distinguished themselves; and friends, I assure you, that I was incapable of considering any question whatever, but the worth of each individual as a fighting man. If he was a good fighting man, then I saw that Uncle Sam got the benefit from it. That is all.

I make the same appeal in our citizenship. I ask in our civic life that we in the same way pay heed only to the man's quality of citizenship, to repudiate as the worst enemy that

we can have whoever tries to get us to discriminate for or against any man because of his creed or his birthplace.

Now, friends, in the same way I want our people to stand by one another without regard to differences or class or occupation. I have always stood by the labor-unions. I am going to make one omission to-night. I have prepared my speech because Mr. Wilson had seen fit to attack me by showing up his record in comparison with mine. But I am not going to do that to-night. I am going to simply speak of what I myself have done and of what I think ought to be done in this country of ours.

It is essential that there should be organizations of labor. This is an era of organization. Capital organizes and therefore labor must organize. My appeal for organized labor is twofold; to the outsider and the capitalist I make my appeal to treat the laborer fairly, to recognize the fact that he must organize, that there must be such organization, that the laboring man must organize for his own protection, and that it is the duty of the rest of us to help him and not hinder him in organizing. That is one-half of the appeal that I make.

Now, the other half is to the labor man himself. My appeal to him is to remember that as he wants justice, so he must do justice. I want every labor man, every labor leader, every organized union man, to take the lead in denouncing crime or violence. I want them to take the lead in denouncing disorder and in denouncing the inciting of riot; that in this country we shall proceed under the protection of our laws and with all respect to the laws, and I want the labor men to feel in their turn that exactly as justice must be done them so they must do justice. That they must bear their duty as citizens, their duty to this great country of ours, and that they must not rest content unless they do that duty to the fullest degree.

I know these doctors, when they get hold of me, will never let me go back, and there are just a few things more that I want to say to you.

And here I have got to make one comparison between Mr. Wilson and myself, simply because he has invited it and I cannot shrink from it. Mr. Wilson has seen fit to attack me, to say that I did not do much against the trusts when I was President. I have got two answers to make to that. In the first place what I did, and then I want to compare what I did while I was President with what Mr. Wilson did not do while he was governor.

When I took office the antitrust law was practically a dead letter and the interstate commerce law in as poor a condition. I had to revive both laws. I did. I enforced both. It will be easy enough to do now what I did then, but the reason that it is easy now is because I did it when it was hard.

Nobody was doing anything. I found speedily that the interstate commerce law by being made more perfect could be made a most useful instrument for helping solve some of our industrial problems. So with the antitrust law. I speedily found that almost the only positive good achieved by such a successful lawsuit as the Northern Securities suit, for instance, was in establishing the principle that the government was supreme over the big corporation, but that by itself that law did not accomplish any of the things that we ought to have accomplished; and so I began to fight for the amendment of the law along the lines of the interstate commerce law, and now we propose, we Progressives, to establish an interstate commission having the same power over industrial concerns that the Interstate Commerce Commission has over railroads, so that whenever there is in the future a decision rendered in such important matters as the recent suits against the Standard Oil, the Sugar—no, not that—Tobacco—Tobacco Trust —we will have a commission which will see that the decree of the court is really made effective; that it is not made a merely nominal decree.

Our opponents have said that we intend to legalize monopoly. Nonsense. They have legalized monopoly. At this moment the Standard Oil and Tobacco Trust monopolies are legalized;

they are being carried on under the decree of the Supreme Court. Our proposal is really to break up monopoly. Our proposal is to lay down certain requirements, and then require the commerce commission—the industrial commission—to see that the trusts live up to those requirements. Our opponents have spoken as if we were going to let the commission declare what the requirements should be. Not at all. We are going to put the requirements in the law and then see that the commission requires them to obey that law.

And now, friends, as Mr. Wilson has invited the comparison, I only want to say this: Mr. Wilson has said that the States are the proper authorities to deal with the trusts. Well, about eighty per cent of the trusts are organized in New Jersey. The Standard Oil, the Tobacco, the Sugar, the Beef, all those trusts are organized in New Jersey and the laws of New Jersey say that their charters can at any time be amended or repealed if they misbehave themselves and give the government ample power to act about those laws, and Mr. Wilson has been governor a year and nine months and he has not opened his lips. The chapter describing what Mr. Wilson has done about the trusts in New Jersey would read precisely like a chapter describing the snakes in Ireland, which ran: "There are no snakes in Ireland." Mr. Wilson has done precisely and exactly nothing about the trusts.

I tell you, and I told you at the beginning, I do not say anything on the stump that I do not believe. I do not say anything I do not know. Let any of Mr. Wilson's friends on Tuesday point out one thing or let Mr. Wilson point out one thing he has done about the trusts as governor of New Jersey.

And now, friends, there is one thing I want to say especially to you people here in Wisconsin. All that I have said so far is what I would say in any part of this Union. I have a peculiar right to ask that in this great contest you men and women of Wisconsin shall stand with us. You have taken the lead in progressive movements here in Wisconsin. You have taught

the rest of us to look to you for inspiration and leadership. Now, friends, you have made that movement here locally. You will be doing a dreadful injustice to yourselves; you will be doing a dreadful injustice to the rest of us throughout this Union, if you fail to stand with us now that we are making this national movement. What I am about to say now I want you to understand. If I speak of Mr. Wilson I speak with no mind of bitterness. I merely want to discuss the difference of policy between the Progressive and the Democratic party and to ask you to think for yourselves which party you will follow. I will say that, friends, because the Republican party is beaten. Nobody needs to have any idea that anything can be done with the Republican party.

When the Republican party—not the Republican party—when the bosses in the control of the Republican party, the Barneses and Penroses, last June stole the nomination and wrecked the Republican party for good and all—I want to point out to you nominally they stole that nomination from me, but really it was from you. They did not like me, and the longer they live the less cause they will have to like me. But while they do not like me, they dread you. You are the people that they dread. They dread the people themselves, and those bosses and the big special interests behind them made up their mind that they would rather see the Republican party wrecked than see it come under the control of the people themselves. So I am not dealing with the Republican party. There are only two ways you can vote this year. You can be progressive or reactionary. Whether you vote Republican or Democratic it does not make any difference, you are voting reactionary.

Now, the Democratic party in its platform and through the utterances of Mr. Wilson has distinctly committed itself to the old flintlock, muzzle-loaded doctrine of States' rights, and I have said distinctly that we are for the people's rights. We are for the rights of the people. If they can be obtained best through the National Government, then we are for national

rights. We are for the people's rights however it is necessary to secure them.

Mr. Wilson has made a long essay against Senator Beveridge's bill to abolish child labor. It is the same kind of an argument that would be made against our bill to prohibit women from working more than eight hours a day in industry. It is the same kind of argument that would have to be made; if it is true, it would apply equally against our proposal to insist that in continuous industries there shall be by law one day's rest in seven and a three-shift eight-hour day. You have labor laws here in Wisconsin, and any chamber of commerce will tell you that because of that fact there are industries that will not come into Wisconsin. They prefer to stay outside where they can work children of tender years, where they can work women fourteen and sixteen hours a day, where if it is a continuous industry, they can work men twelve hours a day and seven days a week.

Now, friends, I know that you of Wisconsin would never repeal those laws even if they are to your commercial hurt, just as I am trying to get New York to adopt such laws even though it will be to New York's commercial hurt. But if possible I want to arrange it so that we can have justice without commercial hurt, and you can only get that if you have justice enforced nationally. You won't be burdened in Wisconsin with industries not coming to the State if the same good laws are extended all over the other States. Do you see what I mean? The States all compete in a common market; and it is not justice to the employers of a State that has enforced just and proper laws to have them exposed to the competition of another State where no such laws are enforced. Now, the Democratic platform, and their speakers, declare that we shall not have such laws. Mr. Wilson has distinctly declared that you shall not have a national law to prohibit the labor of children, to prohibit child labor. He has distinctly declared that we shall not have a law to establish a minimum wage for women.

I ask you to look at our declaration and hear and read our

platform about social and industrial justice and then, friends, vote for the Progressive ticket without regard to me, without regard to my personality, for only by voting for that platform can you be true to the cause of progress throughout this Union.

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THE STRICKEN STANDARD-BEARER[1]

IT matters little about me but it matters all about the cause we fight for. If one soldier who happens to carry the flag is stricken, another will take it from his hands and carry it on. One after another the standard-bearers may be laid low, but the standard itself can never fall. You know that personally I did not want ever to be a candidate for office again. And you know that only the call that came to the men of the sixties made me answer it, in our day, as they did more nobly in their day. And now, as then, it is not important whether one leader lives or dies, it is important only that the cause shall live and win. Tell the people not to worry about me, for if I go down another will take my place. For always, the army is true. Always the cause is there, and it is the cause for which the people care, for it is the people's cause.

[1] Statement sent by Mr. Roosevelt from his sick-bed through Senator Beveridge to an audience in Louisville, Ky., October 16, 1912.

28

THE FIGHT GOES ON[1]

I WISH to express my cordial agreement with the manly and proper statement of Mr. Bryan when, in arguing for a continuance of the discussion of the issues at stake in this contest, he said:

"The issues of this campaign should not be determined by the act of an assassin. Neither Colonel Roosevelt nor his friends could ask that the discussion should be turned away from the principles that are involved. If he is elected President, it should be because of what he has done in the past, and what he proposes to do hereafter."

I wish to point out, however, that neither I nor my friends have asked that the discussion be turned away from the principles that are involved; on the contrary, we emphatically demand that the discussion be carried on precisely as if I had not been shot. I shall be sorry if Mr. Wilson does not keep on the stump, and I feel that he owes it to himself and the American people to continue on the stump.

I wish to make one more comment on Mr. Bryan's statement. It is, of course, perfectly true that in voting for me or against me consideration must be paid to what I have done in the past and to what I propose to do. But it seems to me far more important that consideration should be paid to what the Progressive party proposes to do.

I cannot too strongly emphasize the fact, upon which Progressives insist, that the welfare of any one man in this fight is wholly immaterial compared to the great and fundamental

[1] Statement in the New York *Times* and other newspapers, dated Chicago, Ill., October 17, 1912.

issues involved in the triumph of the principles for which our cause stands. If I had been killed the fight would have gone on exactly the same. Governor Johnson, Senator Beveridge, Mr. Straus, Senator Bristow, Miss Jane Addams, Gifford Pinchot, Judge Ben Lindsey, Raymond Robbins, Mr. Prendergast, and the hundreds of other men now on the stump are preaching the doctrines that I have been preaching, and stand for and represent just the same cause. They would have continued the fight in exactly the same way if I had been killed, and they are continuing it in just the same way now that I am for the moment laid up.

So far as my opponents are concerned, whatever could with truth and propriety have been said against me and my cause before I was shot can with equal truth and equal propriety be said against me, and it now should be so said; and the things that cannot be said now are merely the things that ought not to have been said before. This is not a contest about any man; it is a contest concerning principles.

If my broken rib heals fast enough to relieve my breathing, I shall hope to be able to make one or two speeches in the campaign. In any event, if I am not able to make them, the men I have mentioned and the hundreds like them will be stating our case right to the end of the campaign, and I trust our opponents will be stating their case also.

29

THE PURPOSE OF THE PROGRESSIVE PARTY[1]

FRIENDS, perhaps once in a generation, perhaps not so often, there comes a chance for the people of a country to play their part wisely and fearlessly in some great battle of the age-long warfare for human rights. To our fathers the chance came in the mighty days of Abraham Lincoln, of the man who thought and toiled and suffered for the people with a sad, patient, and kindly endeavor. To our forefathers the chance came in the troubled years that stretched from the time when the First Continental Congress gathered to the time when Washington was inaugurated as first President of the Republic. To us in our turn the chance has now come to stand for liberty and righteousness as in their day these dead men stood for liberty and righteousness. Our task is not as great as theirs. Yet it is well-nigh as important. Our task is to profit by the lessons of the past, and to check in time the evils that grow around us, lest our failure to do so may cause dreadful disaster to the people. We must not sit supine and helpless. We must not permit the brutal selfishness of arrogance and the brutal selfishness of envy, each to run unchecked its evil course. If we do so, then some day smouldering hatred will suddenly kindle into a consuming flame, and either we or our children will be called on to face a crisis as grim as any which this Republic has ever seen.

It is our business to show that nine-tenths of wisdom consists in being wise in time. Woe to our nation if we let matters drift, if in our industrial and political life we let an unchecked and utterly selfish individualistic materialism riot

[1] Speech at Madison Square Garden, New York City, October 30, 1912.

to its appointed end! That end would be wide-spread disaster, for it would mean that our people would be sundered by those dreadful lines of division which are drawn when the selfish greed of the *haves* is set over against the selfish greed of the *have-nots*. There is but one way to prevent such a division, and that is to forestall it by the kind of a movement in which we are now engaged.

Our movement is one of resolute insistence upon the rights and full acknowledgment of the duties of every man and every woman within this great land of ours. We war against the forces of evil, and the weapons we use are the weapons of right. We do not set greed against greed or hatred against hatred. Our creed is one that bids us to be just to all, to feel sympathy for all, and to strive for an understanding of the needs of all. Our purpose is to smite down wrong. But toward those who have done the wrong we feel only the kindliest charity that is compatible with causing the wrong to cease. We preach hatred to no man, and the spirit in which we work is as far removed from vindictiveness as from weakness. We are resolute to do away with the evil, and we intend to proceed with such wise and cautious sanity as will cause the very minimum of disturbance that is compatible with achieving our purpose.

Do not forget, friends, that we are not proposing to substitute law for character. We are merely proposing to buttress character by law. We fully recognize that, as has been true in the past, so it is true now, and ever will be true, the prime factor in each man's or woman's success must normally be that man's or that woman's own character—character, the sum of many qualities, but above all of the qualities of honesty, of courage, and of common sense. Nothing will avail a nation if there is not the right type of character among the average men and women, the plain people, the hard-working, decent-living, right-thinking people, who make up the great bulk of our citizenship. I know my countrymen; I know that they are of this type. But it is in civil life as it is in war. In

war it is the man behind the gun that counts most, and yet he cannot do his work unless he has the right kind of gun. In civil life, in the every-day life of our nation, it is individual character which counts most; and yet the individual character cannot avail unless in addition thereto there lie ready to hand the social weapons which can be forged only by law and by public opinion operating through and operated upon by law.

Again, friends, do not forget that we are proposing no new principles. The doctrines we preach reach back to the Golden Rule and the Sermon on the Mount. They reach back to the commandments delivered at Sinai. All that we are doing is to apply those doctrines in the shape necessary to make them available for meeting the living issues of our own day. We decline to be bound by the empty, little cut-and-dried formulas of bygone philosophies, useful once, perhaps, but useless now. Our purpose is to shackle greedy cunning as we shackle brutal force, and we are not to be diverted from this purpose by the appeal to the dead dogmas of a vanished past. We propose to lift the burdens from the lowly and the weary, from the poor and the oppressed. We propose to stand for the sacred rights of childhood and womanhood. Nay, more, we propose to see that manhood is not crushed out of the men who toil, by excessive hours of labor, by underpayment, by injustice and oppression. When this purpose can only be secured by the collective action of our people through their governmental agencies, we propose so to secure it.

We brush aside the arguments of those who seek to bar action by the repetition of some formula about "States' rights" or about "the history of liberty" being "the history of the limitation of governmental power," or about the duty of the courts finally to determine the meaning of the Constitution. We are for human rights and we intend to work for them in efficient fashion. Where they can be best obtained by the application of the doctrines of States' rights, then we are for States' rights. Where, in order to obtain them, it is necessary to invoke the power of the nation, then we shall invoke to its

uttermost limits that mighty power. We are for liberty. But we are for the liberty of the oppressed, and not for the liberty of the oppressor to oppress the weak and to bind burdens on the shoulders of the heavy-laden. It is idle to ask us not to exercise the power of the government when only by the power of the government can we curb the greed that sits in high places, when only by the exercise of the government can we exalt the lowly and give heart to the humble and the down-trodden.

We care for facts and not for formulas. We care for deeds and not for words. We recognize no sacred right of oppression. We recognize no divine right to work injustice. We stand for the Constitution. We recognize that one of its most useful functions is the protection of property. But we will not consent to make of the Constitution a fetich for the protection of fossilized wrong. We call the attention of those who thus interpret it to the fact that, in that great instrument of justice, life and liberty are put on a full level with property, indeed, are enumerated ahead of it in the order of their importance. We stand for an upright judiciary. But where the judges claim the right to make our laws by finally interpreting them, by finally deciding whether or not we have the power to make them, we claim the right ourselves to exercise that power. We forbid any men, no matter what their official position may be, to usurp the right which is ours, the right which is the people's. We recognize in neither court nor Congress nor President, any divine right to override the will of the people expressed with due deliberation in orderly fashion and through the forms of law.

We Progressives hold that the words of the Declaration of Independence, as given effect to by Washington and as construed and applied by Abraham Lincoln, are to be accepted as real, and not as empty phrases. We believe that in very truth this is a government by the people themselves, that the Constitution is theirs, that the courts are theirs, that all the governmental agents and agencies are theirs. We believe that

all true leaders of the people must fearlessly stand for righteousness and honesty, must fearlessly tell the people what justice and honor demand. But we no less strongly insist that it is for the people themselves finally to decide all questions of public policy and to have their decision made effective.

In the platform formulated by the Progressive party we have set forth clearly and specifically our faith on every vital point at issue before this people. We have declared our position on the trusts and on the tariff, on the machinery for securing genuine popular government, on the method of meeting the needs of the farmer, of the business man, and of the man who toils with his hands, in the mine or on the railroad, in the factory or in the shop. There is not a promise we have made which cannot be kept. There is not a promise we have made that will not be kept. Our platform is a covenant with the people of the United States, and if we are given the power we will live up to that covenant in letter and in spirit.

We know that there are in life injustices which we are powerless to remedy. But we know also that there is much injustice which can be remedied, and this injustice we intend to remedy. We know that the long path leading upward toward the light cannot be traversed at once, or in a day, or in a year. But there are certain steps that can be taken at once. These we intend to take. Then, having taken these first steps, we shall see more clearly how to walk still further with a bolder stride. We do not intend to attempt the impossible. But there is much, very much, that is possible in the way of righting wrong and remedying injustice, and all that is possible we intend to do. We intend to strike down privilege, to equalize opportunity, to wrest justice from the hands that do injustice, to hearten and strengthen men and women for the hard battle of life. We stand shoulder to shoulder in a spirit of real brotherhood. We recognize no differences of class, creed, or birthplace. We recognize no sectionalism. Our appeal is made to the Easterner no less than to the Westerner. Our appeal is made to the Southerner no less than to the Northerner. We

appeal to the men who wore the gray just as we appeal to the men who wore the blue. We appeal to the sons of the men who followed Lee no less than to the sons of the men who followed Grant; for the memory of the great deeds of both is now part of the common heritage of honor which belongs to all our people, wherever they dwell.

We firmly believe that the American people feel hostility to no man who has honestly won success. We firmly believe that the American people ask only justice, justice each for himself and justice each for all others. They are against wickedness in rich man and poor man alike. They are against lawless and murderous violence exactly as they are against the sordid materialism which seeks wealth by trickery and cheating, whether on a large or a small scale. They wish to deal honestly and in good faith with all men. They recognize that the prime national need is for honesty, honesty in public life and in private life, honesty in business and in politics, honesty in the broadest and deepest significance of the word. We Progressives are trying to represent what we know to be the highest ideals and the deepest and most intimate convictions of the plain men and women, of the good men and women, who work for the home and within the home.

Our people work hard and faithfully. They do not wish to shirk their work. They must feel pride in the work for the work's sake. But there must be bread for the work. There must be a time for play when the men and women are young. When they grow old there must be the certainty of rest under conditions free from the haunting terror of utter poverty. We believe that no life is worth anything unless it is a life of labor and effort and endeavor. We believe in the joy that comes with work, for he who labors best is really happiest. We must shape conditions so that no one can own the spirit of the man who loves his task and gives the best there is in him to that task, and it matters not whether this man reaps and sows and wrests his livelihood from the rugged reluctance of the soil or whether with hand or brain he plays

his part in the tremendous industrial activities of our great cities. We are striving to meet the needs of all these men, and to meet them in such fashion that all alike shall feel bound together in the bond of a common brotherhood, where each works hard for himself and for those dearest to him, and yet feels that he must also think of his brother's rights because he is in very truth that brother's keeper.

Seven months ago in this city, almost at the beginning of the present campaign, I spoke as follows:

"The leader for the time being, whoever he may be, is but an instrument, to be used until broken and then to be cast aside; and if he is worth his salt he will care no more when he is broken than a soldier cares when he is sent where his life is forfeit in order that the victory may be won. In the long fight for righteousness the watchword for all of us is spend and be spent. It is of little matter whether any one man fails or succeeds; but the cause shall not fail, for it is the cause of mankind. We, here in America, hold in our hands the hope of the world, the fate of the coming years, and shame and disgrace will be ours if in our eyes the light of high resolve is dimmed, if we trail in the dust the golden hopes of men."

Friends, what I said then I say now. Surely there never was a greater opportunity than ours. Surely there never was a fight better worth making than this. I believe we shall win, but win or lose I am glad beyond measure that I am one of the many who in this fight have stood ready to spend and be spent, pledged to fight while life lasts the great fight for righteousness and for brotherhood and for the welfare of mankind.

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GOVERNOR WILSON AND THE TRUSTS[1]

IN view of Mr. Wilson's insistence upon the importance of the trust problem in his speech at Madison Square Garden, I desire to call attention to Mr. Wilson's record on the trust question as governor of New Jersey, and to his present attitude.

Mr. Wilson explicitly states that the problem of the trust is primarily a problem for the States. On July 6 last, for instance, he said: "It is the government of the States, and not the Federal Government, which must determine the ultimate basis and character of government." And in his interview with Mr. Needham in *The Outlook:* "It is the States which incorporate the great business undertakings that threaten to bulk larger than the States themselves. The big corporations owe their license to the inadequacy of State laws or their non-enforcement."

Now, this statement is not accurate as regards most of the States, but it is substantially accurate as regards New Jersey, for almost all the big trusts against which there is complaint are organized and now hold their charters in New Jersey. This is true of the Standard Oil Trust, the Tobacco Trust, the Steel Trust, the Beef Trust, and practically every other trust of importance. When running for governor, Mr. Wilson recognized this fact. In a speech on October 7, 1910, he said: "The rest of the country is going forward, while New Jersey has stood still. Do you scrutinize any of the corporations which you create in such numbers? Not at all. Corporations authorized to exist by the State of New Jersey are, because

[1] Speech at Oyster Bay, N. Y., November 2, 1912.

of the authority of New Jersey, selling stocks and bonds which are of no value and are robbing the people."

In his first message to the legislature, January 17, 1911, Governor Wilson renewed with emphasis his promise to deal with the New Jersey trusts. He described them as having "slipped out of control of the very law that gave them leave to be and can make and unmake them at pleasure," and declared: "We have now set ourselves to control them soberly but effectively and to bring them within the regulation of the law. There is a great obligation as well as a great opportunity, an imperative obligation, from which we cannot escape if we would. No man who wishes to enjoy the public confidence dares hold back, and if he is wise he will not resort to subterfuge."

There was ample opportunity for Governor Wilson to act, either by securing legislative action or by proceeding against the trusts without the intervention of the legislature. Section 4 of the New Jersey Corporation Act provides: "The charter of every corporation or any supplement thereto or any amendment thereof shall be subject to alteration, suspension, or repeal in the discretion of the legislature, and the legislature may at pleasure dissolve any corporation." Chapter 275 of the laws of 1905 provides: "Any person or persons who, being officers, directors, managers, or employees of any corporation incorporated under the laws of this State, shall wilfully use, operate, or control said corporation for the furtherance or promotion of any fraudulent and unlawful object shall be guilty of a misdemeanor."

The Supreme Court of the United States has solemnly declared that the Standard Oil and Tobacco Trusts have been guilty of fraudulent and unlawful conduct which this New Jersey statute declares to be a misdemeanor. Mr. Wilson has been governor for twenty-two months. He now says that he wishes to proceed against the directors and managers of these trusts individually. He has, and for twenty-two months has had, as governor of New Jersey, ample opportunity and

every possible means for thus proceeding against them, and for over a year has had the decision of the Supreme Court as warranty for such procedure, but he has never lifted his finger to take it.

He has had the amplest opportunity, and he has himself declared it was his desire to proceed against these trusts by legislative act. The legislature of New Jersey of 1911 stood, one House Republican and one House Democratic. That of 1912 was Republican in both branches, but Mr. Wilson, in speeches at Trenton, on May 5 last, and in Camden on May 18 last, explicitly stated that the legislature was "docile," and that the legislature moved forward with zest, "that various reform acts which he advocated passed the legislature with refreshing ease, though one House was Democratic and the other Republican."

Yet, from these "docile" legislative bodies, which moved forward with zest and which he praises for moving with such refreshing and surprising ease, he never, by so much as a word, endeavored to get the legislation about the trusts which he had stated was necessary. Yet members of both parties, when Mr. Wilson failed to give them a lead, themselves endeavored to secure the necessary trust legislation. The Republican senator, Mr. Colgate, introduced a bill, No. 165, to investigate the New Jersey trust laws; the Democratic assemblyman, Mr. Donnelly, introduced several bills, among them one, No. 153, entitled "The New Jersey antitrust bill." Mr. Wilson had declined to give the legislature a lead in this matter, and when these members of the legislature gave him a lead he still declined to lift a finger in their aid. And naturally, in view of this attitude of passive opposition on his part, the legislature failed to act.

Through Senator Beveridge and on the suggestion of one of the private citizens of the country, Mr. Healy, a head waiter in one of our hotels, I asked Mr. Wilson certain questions, as follows:

"1. Is it not a fact that the laws of the State, under which a corporation is organized, prescribe its power?

"2. Are not all the powers of Standard Oil and similar monopolies conferred by the laws of New Jersey?

"3. Could not these powers have been curtailed by amendments to the New Jersey laws?

"4. Why has not Mr. Wilson, as governor of New Jersey, recommended such amendments?"

In my Chicago speech I had already pointed out the statute under which he could act personally. In response to these questions Mr. Wilson telegraphed to one of his supporters as follows:

"I authorize you to say that the Republican majority in the legislature made a revision of the corporation laws impossible, and no New Jersey official could prosecute or propose a dissolution for breach of Federal statutes."

This is no answer at all. I have shown above that Mr. Wilson himself stated that the legislature did with surprising ease what he asked, and that Republican and Democratic members actually introduced bills such as were demanded by Mr. Wilson's explicit promises.

The New Jersey legislature of 1911 stood: House, forty-two Democrats and eighteen Republicans; Senate, eleven Republicans and ten Democrats. There was thus only one Republican majority against him in the Senate, and I have shown that one Republican senator, Mr. Colgate, actually introduced an antitrust bill. So that even if he had not been followed by another Republican, Mr. Wilson had a clear majority in both houses if he had chosen to act.

Moreover, it was his clear duty to try to get action in any event. In the entire legislature there was no opponent of trust legislation who possessed one one-thousandth part of the influence and control which, while I was President, was exercised by Senator Aldrich in the Senate and Speaker Cannon in the House. But I never made any excuses, and, by a succession of the hardest kind of hammering fights, I forced

through Congress a mass of vitally important trust and corporation legislation; and yet, under infinitely more favorable conditions and with an infinitely easier task, Mr. Wilson did not even attempt to get any action.

As to the rest of Mr. Wilson's answer, it is no answer at all. I did not ask why he failed to act under the Federal antitrust law. I asked why he failed to act under the specific provision of the New Jersey antitrust law, and he did not answer and he cannot answer.

In his speech at the Madison Square Garden, Mr. Wilson says, apropos of the trusts and his treatment of them as governor: "I have seen the patient lie on the table in New Jersey. I have seen him rise from the table, astonished that he was still alive and rejoiced that he felt better than he ever did in his life." I think this statement is absolutely accurate. I do not in the least wonder that every trust, the Standard Oil Trust, the Tobacco Trust, and the Steel Trust, which is incorporated in New Jersey, should, after twenty-two months' experience of Governor Wilson, arise with astonishment and delight and declare that he never felt better in his life, and that he no longer had even the slightest apprehension as to the conduct of good Mr. Wilson. No wonder that Mr. Wilson was able to mention in his Madison Square Garden speech with modest pride that "the gentlemen in Wall Street are smiling and complacent because of their hope for his election, and that they are betting heavily on him"—although I doubt if any intelligent Wall Street man actually gave the odds which Mr. Wilson's enthusiasm prompts him to believe they gave.

I ask that Mr. Wilson's proposals now be tested by his actions as governor of New Jersey. We Progressives propose a real, thoroughgoing, and efficient control over the trusts. Mr. Wilson and Mr. Taft nationally proposed the same remedies; that is, to put their faith in a continuation of the present policy, which is to allow the eggs to be scrambled, and then, after the damage has been done, to proceed by a lawsuit lasting several years to try partially to unscramble them.

Our proposal, on the contrary, is to create a commission like the Interstate Commerce Commission, and through this commission to supervise the big industrial concerns doing an interstate business, just as the government now supervises railroads and banks. We will thereby prevent the eggs from being scrambled, and, if necessary, unscramble them effectively.

The antitrust law will remain on the books, and it will be strengthened by prohibiting agreements to divide territory or limit output, by prohibiting a refusal to sell to customers who buy from business rivals, by prohibiting the custom of selling below cost in certain areas while maintaining higher prices in other areas, by prohibiting the use of the power of transportation to aid or injure special business concerns—in short, by prohibiting these and all other unfair trade practices. The Interstate Industrial Commission will give us an efficient instrument for seeing that the law is carried out in letter and in spirit, and for effectively punishing not only every corporation, but every individual who violates the provisions of the law.

The facts given above emphasize the difference between the professions of the Progressive party and the professions of its opponents, between the practices of the men who are candidates on the Progressive platform as compared with the practices of the two old parties. Under these circumstances it is no wonder that the great majority of the trust magnates are supporting one or the other of the two old parties. Organizations like the Standard Oil, the Sugar Trust, and the Tobacco Trust will support each of the two old parties with which they think the best fight can be made against the Progressive party, for they know well that it is the Progressive party alone whose platform they have to fear.

The testimony before the senatorial committee showed not only the bitter animosity of the Standard Oil Company to the Progressive party, but showed also that the leading men in the Steel Trust had contributed to and were supporting Mr. Taft, and that the President of the Harvester Trust had been

similarly supporting Mr. Wilson. As far as I know but one man connected with either trust is supporting the Progressive ticket—which casts a rather comic light on Mr. Wilson's statement which he made some weeks ago, but which he has been compelled to abandon, that these trusts were in their "thought" all in a hallelujah chorus supporting the Progressive ticket.

In short, with the trusts as with the tariff, and as with the great questions of helping the men who live in the open country and of securing social and industrial justice for the wage-workers and the small men generally in our great business enterprises, the Progressives have a definite, concrete, and feasible plan of action, and neither of the old parties offers any real plan at all.

As regards the tariff, both the Republicans and the Democrats propose to cling to the old, vicious methods of tariff-making, the Republicans continuing the policy of protection for special privilege and the Democrats proposing in one breath to introduce free trade and in the next asserting that they will work no disturbance of business—which is about like asserting an intention to burn down a house without causing any disturbance to the inmates or the furniture. We propose to reduce all excessive duties while maintaining the principle of protection through the action of a tariff commission like that which in actual practice has worked so admirably in Germany.

The greatest of all issues is honesty—honesty in business and honesty in politics alike. The election of Mr. Wilson would mean the enthronement of Taggartism in Indiana and of Murphyism in New York, just as Mr. Taft's cause is now identified with the cause of the Barneses and the Penroses of the Republican party. All the men who wish to see perpetuated in American life the reign of crooked politics and of crooked business are banded together against the Progressive party and will support either of the old parties in the effort to beat it. For this reason we have a right to apply to all the honest men and honest women in the land to stand with us, for we,

and we alone, stand for the real right of the people to rule their own government, and for the duty of this government to secure justice and fair play and make this a genuine democracy, in the world of industry no less than in the world of politics.

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THE FUTURE OF THE PROGRESSIVE PARTY[1]

To the members of the national committee and to the men and women of the Progressive party throughout the nation:

WE have fought a great fight. We have accomplished more in ninety days than ever any other party in our history accomplished in such a length of time. We have forced all parties and candidates to give at least lip-service to Progressive principles. In this brief campaign we have overthrown the powerful and corrupt machine that betrayed and strangled the Republican party. Some day the honest men and women who make up the rank and file of the Republican party will realize the full iniquity of which the men were guilty who in the Republican convention of June last by deliberate political theft wrenched the control of the party from the people, made it the party of reaction, and gave it into the absolute control of the bosses. These men preferred to see the party destroyed rather than see it made once more what it was in the days of Lincoln. Their purpose was at all costs to perpetuate the rule of privilege, political privilege and financial privilege, within the party. The men who took part in, profited by, or condoned and indorsed the theft of the Chicago Convention should never again be trusted by men who believe in honesty. Their action differed from the crime of the ordinary ballot-box stuffer or crooked election official, only as the action of the great corrupt financier who swindles on a gigantic scale just within the law differs from the crime of the poor wretch who steals because he is in want. The theft of the Chicago

[1] Speech at Chicago, Ill., Dec. 10, 1912.

Convention can be defended only by the type of corporation lawyer whose business it is to advise big financiers how to violate the law in wholesale fashion with impunity. These big politicians, financiers, and corporation lawyers, and their hangers-on, such as the college presidents of the "little-brother-to-the-rich" type, asserted and perhaps believed that they were acting in the interests of conservatism. They most urgently need to learn that sitting on the safety-valve is not the right way to prevent revolutions.

We stand for every principle set forth in our platform. We stand for the purging of the roll of American public life by driving out of politics the big bosses who thwart the popular will, who rely on corruption as a political instrument, and who serve the cause of privilege. But the function of the new party is not limited to securing the enactment of the measures advocated in the party's platform, and the retirement of a few bosses. Our purpose is to keep up a continuous campaign for social and industrial justice and for genuine government by the people, and for the people. Such a campaign cannot be expected from any party which is partly reactionary; and at their best both of the old parties are partly, and they are usually dominantly, reactionary. Just as in the days of Jefferson, the Democratic was the Progressive party, so in the days of Lincoln, the Republican was the Progressive party; but in both of them now the machinery is in the hands of the representatives of reaction. Our function is to bring about the needed realignment of political parties along national and rational lines. Substantially the old parties are but wings of the same party of reaction and privilege. There is now no natural definite difference between them. They are two organizations maintained to secure special privileges and benefits, and not organizations to promote causes and principles. This has made possible the rule of the bipartisan bosses, and has deprived the people of effective means of correcting unsatisfactory conditions. Ultimately all the Progressives who still cling to the two old parties will have to come with us in

order to effect the needed improvements in political conditions, in the efficiency of government, and in financial and industrial standards.

I believe that political parties should be controlled by, and be paid for, as far as possible, by the actual men and women who vote at elections, in other words by the people. I do not insist upon any absolute equality in campaign gifts, and I am willing that the party should take the large campaign contribution, if honestly offered without condition or reservation, on exactly the same terms and in exactly the same spirit, as the small contribution. The real test of such gifts to a political party is the motive, not the size. The broader, however, we make the basis of our dues-paying membership and the larger we make the number of our one-dollar, two-dollar, and twenty-dollar contributors, the better it is for the Progressive party and for political morality in general. I, therefore, urge upon the national committee the study of the entire subject of party finance with the idea of preparing the way for the democratization of the party support, either by building up a large dues-paying membership or by such other methods as may recommend themselves to the committee.

The immediate work for our party is to establish the principles of our platform by appropriate legislation in the nation and in the several States. In the national legislature, Progressive senators and congressmen should at once push the various Progressive proposals, not only those affecting labor, but that affecting the trusts. The old parties are committed to the continuance of the present policy, which as a great trust magnate has said is to allow the eggs to be scrambled, and then after the damage has been done to proceed by a lawsuit lasting several years to try partly to unscramble them. Our proposal is definite. I quote from the language I used in the campaign, including my final statement on November 2d:

"Our proposal is to create a commission like the Interstate Commerce Commission, and through this commission to su-

pervise the big industrial concerns doing an interstate business, just as the government now supervises railroads and banks. We will thereby prevent the eggs from being scrambled, and, if necessary, unscramble them effectively, even, if necessary, going to the length of appointing a receiver, as in the case of delinquent banks.

"The antitrust law will remain on the books, and it will be strengthened by prohibiting agreements to divide territory or limit output, by putting a stop to stock watering, by prohibiting a refusal to sell to customers who buy from business rivals, by prohibiting the custom of selling below cost in certain areas while maintaining higher prices in other areas, by prohibiting the use of the power of transportation to aid or injure special business concerns—in short, by prohibiting these and all other unfair trade practices. The Interstate Industrial Commission will give us an efficient instrument for seeing that the law is carried out in letter and in spirit, and for effectively punishing not only every corporation, but every individual who violates the provisions of the law."

I trust that the Progressive senators and congressmen at Washington will get together and push this and all other proposals of the Progressive party. I hope, moreover, that each group of Progressive members-elect of the legislatures of the several States will meet and plan united action upon the organization of their respective assemblies, upon the candidates for the United States Senate, and upon proposed legislation. The direct primary plan should be universally applied. We should support legislation that will carry out our principles regardless of what party may introduce it in the several States. Similar action should be taken by all Progressive public officials, such as county commissioners, members of boards of supervisors, etc.

Immediate steps should be taken in each State to begin the educational campaign upon our social and economic programme. Every law proposed in the social and industrial plank of our platform should be pressed; and other cognate laws, such as

the endowment of widowed mothers. Our people should expound our policies in the schoolhouses, and before the granges, as well as in the great industrial centres.

There is no problem whose successful solution is fraught with greater returns, in the line of citizenship, as well as in material results, than the problems of rural life. These include better farm methods, better rural schools, better roads, better farm financing, more economical methods of marketing, and better farm life conditions for the men, women, and children on whose welfare and success the progress and prosperity of the nation depends. In these problems and those of social and industrial justice is also embodied no small part of the problem of the cost of living, although this will also be in part helped by our treatment of the trusts.

Better and permanent farming methods will come quickest through the field demonstration plan, on the farmer's own farm, following the plan inaugurated by Doctor S. A. Knapp of the Department of Agriculture ten years ago. This plan is now being taken up all over the country, and the Federal and State and county authorities should give it financial aid, as it is true conservation, building up both soil and crop yields. The Country Life Commission dealt at length with these matters in its admirable report five years ago.

Farm financing should now receive the consideration it deserves. It is based on and will grow out of these improved farm methods. It will be interesting to note with what success our farmers will take up or adopt the European co-operative financing system of the Raiffeisen type.

The greatest field for farmers' co-operation will be in marketing their product, which process now costs them and the consumer so dearly. The promptest and largest measure of financial aid would come from mortgage banks chartered, regulated, and carefully supervised by the government, operating on the method of the Crédit Foncier of France. This plan gives the farmer long-time loans of thirty to fifty years, with the arrangement that a small annual payment amounting

to seven or eight per cent would automatically amortize or wipe out the entire debt at the end of the term. The borrowed money would be used largely for creative purposes and the easy payments would permit part of the farm income to be used for conservation and the general advantage of the farm and family, removing the pressure of the large and burdensome payments of short-time mortgages and the fear of foreclosure. Our whole financial system needs a thorough rearrangement.

The number of tenants is rapidly growing. This is not good. Provision should be made to aid and increase the number of farm home-owners, for these make for a better agriculture and a stronger nation.

Our people, and especially our Progressive members, must ever keep in mind that the Progressive party is by its platform committed to the doctrine that these measures we advocate are to become part of the law of the land, provided we can get the people to stand for them. If legislature, executive, or court stands in the way, then in lawful and orderly fashion, and along the lines laid down in the National Progressive platform, we intend to see that the will of the people is carried out; and that judge, legislator, and executive officer alike do their full part in thus carrying out the will of the people. No party which denies to the people the right to secure justice, as we Progressives propose, when the courts interpret the Constitution so as to enthrone injustice, has the right to claim credit for sincerity in any effort to work for industrial and social justice. All other measures are useless if we permit a body which is not responsible to the people to have the final say as to whether the people shall or shall not in their laws do complete social and industrial justice. The doctrine of the divine right of judges to rule the people is every whit as ignoble as the doctrine of the divine right of kings; and this doctrine is now chiefly and powerfully upheld by the legal and financial representatives of privilege. We believe that the American people has about made up its mind that it is to be

master within its own house, and that its representatives are in good faith to represent it and not to attempt to impose their wills upon it against its will. We hold with Abraham Lincoln that the people, acting deliberately and through the forms of law, are master over the courts as they are master over legislature and Senate, over governor and President. We also hold with Abraham Lincoln—and we and we only are the heirs of Lincoln's principles—that the people are the masters of the Constitution. We believe in the Constitution, and for that very reason we contemptuously thrust aside the efforts of the reactionaries to turn it into a fetich for the obstruction of justice. The Constitution was created to secure justice; and we refuse to allow it to be so perverted as to become a barrier between the people and justice. Every proposal we have made for applying and adapting the Constitution to our present needs is a proposal to save the Constitution by making it a more efficient instrument for securing justice for all the people. The so-called conservatives who object to our methods of applying the Constitution stand on an exact level with their predecessors, the so-called "conservatives" of fifty years ago, the men who opposed the Thirteenth Amendment on the ground that the "old Constitution" was good enough for them. Fifty years ago the "conservatives" championed a view of the Constitution which perpetuated chattel slavery for black men; the corresponding "conservatives" of to-day champion an interpretation of the Constitution which perpetuates industrial slavery for white women and children. The men who fight such proposals as we have made to secure justice when the courts do injustice are as emphatically the apostles of reaction as were the men who fifty years ago defended the Dred Scott decision by the Supreme Court and sought to prevent the prohibition of slavery by the Constitution. I believe that the Progressive party, and all good citizens and all believers in genuine popular rule, should heartily support the proposed constitutional amendments recently introduced by Senator Bristow to secure to the people of the United States proper control of their

own government. These amendments embody the fundamentals of the Progressive position on popular rule. If adopted in principle they will secure the right to appeal to the people of the country when important legislation is blocked by adroit political manipulation and the right of the people, after due deliberation, and without unnecessary and long-drawn delay and procrastination, to make, and to interpret the purpose of their own Constitution. The adoption of these Bristow amendments, including that providing for the direct election of United States senators, will make it comparatively easy to secure the passage of desirable laws, and to keep them in efficient shape on the statute-books.

In the matter of leadership, both local and national, we may trust the events of the next year or two to develop our ablest and most resourceful man; and for every position the leader must be chosen, not in the least with reference to his own desires, but solely with regard to the needs of the people, for the Progressive party is the servant of the people. No man should come into this party with the idea that he can establish a claim on it; he must be content with the opportunity it offers for service and for sacrifice.

PROGRESSIVISM

1913–1916

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THE HEIRS OF ABRAHAM LINCOLN[1]

THE Progressive movement which culminated last August in the creation of the Progressive party is no mere sign of temporary political discontent, it is a manifestation of the eternal forces of human growth, a manifestation of the God-given impulse implanted in mankind to make a better race and a better earth. Its purpose is to establish in this world the rights of man, the right not only to religious and political but to economic freedom; and to make these rights real and living. We recognize that property has its rights; but they are only incident to, they come second to, the rights of humanity. We hold that the resources of the earth were placed here for the use of man in the mass, that they are to be developed for the common welfare of all, and that they are not to be seized by a few for the purpose of oppression of the many or even with disregard of the rights of the many. Yet we earnestly believe and insist that our policy so far from being detrimental to property or to business will be for the good of property and of business. Our policy alone can permanently benefit property and business because our policy is to put both property and business in their proper relations with humanity.

It is peculiarly fitting to speak to the representatives of the Progressive party on Lincoln's birthday; for we Progressives and we alone are to-day the representatives of the men of Lincoln's day who upheld the hands of Lincoln and aided him in the great task to which he gave his life, and in doing

[1] Speech at the Lincoln Day banquet, New York City, February 12th, 1913.

which he met his death. I shall ask you to-night to listen while I quote certain sentences of Lincoln's which possess a curious applicability to the questions of the present day. Lincoln and Lincoln's supporters were emphatically the progressives of their day, and their violent opponents the Bourbon Democrats and Cotton Whigs of that time held the very principles by which the reactionaries of to-day including the Tories who now control the machinery of the Republican party, are themselves governed. The official leaders of the Republican party to-day are the spiritual heirs of the men who warred against Lincoln, who railed at him as a revolutionist, who denounced him for assailing the Supreme Court, who accused him of being a radical, an innovator, an opponent of the Constitution, and an enemy of property. Of course, Lincoln's principles were actively applied to the great questions of union and slavery, both of which questions have now been solved; and as these questions are dead, the reactionaries of to-day are delighted to take a progressive position in reference to them—the reactionary is always willing to take a progressive attitude on any issue that is dead. But in spite of the fact that Lincoln's immediate life-work lay almost wholly with these two questions, it is curious to note the exact parallelism of his general attitude with the attitude that the Progressive party has now taken.

In the first place, remember that Abraham Lincoln's great career began when at the age of forty-five he abandoned the Whig party in which he had been brought up and with which he had always acted, and took part in forming a new party, the Progressive party of that day. The new party in Illinois, in October, 1854, laid down a platform which I quote in part.

"1. *Resolved,* That we believe this truth to be self-evident, that when parties become subversive of the ends for which they are established, or incapable of restoring the government to the true principles of the Constitution, it is the right and duty of the people to dissolve the political bands by which they may have been connected therewith, and to organize new

parties upon such principles and with such views as the circumstances and the exigencies of the nation may demand.

"2. *Resolved,* That the times imperatively demand the reorganization of parties, and, repudiating all previous party attachments, names and predilections, we unite ourselves together . . . pledged to bring the administration of the government back to the control of first principles."

Lincoln himself, when upbraided for leaving the old party and allying himself with men from some of whom he differed on some points, responded to his critics by saying: "Will they allow me as an old Whig to tell them good-humoredly that I think this is very silly? Stand with anybody that stands right; stand with him while he is right, and part with him when he goes wrong. Stand with the Abolitionist in restoring the Missouri Compromise and stand against him when he attempts to repeal the fugitive-slave law. In the latter case you stand with the Southern disunionist. What of that? You are still right. In both cases you are right. In both cases you oppose the dangerous extremes. In both you stand on middle ground, and hold the ship level and steady. In both you are national, and nothing less than national. . . . To desert such ground because of any company is to be less than an American."

With hardly more than the change of a word or two the doctrine enunciated in this old Illinois platform of '54, the doctrine stated by this Illinois rail-splitter at the same time, contains the absolute justification for the actions of the Progressives to-day, and shows how fundamentally and basically alike the Progressive movement of to-day and the Republican movement of 1854 are. In Lincoln's words too we find that sane and tempered radicalism which he in his great career exemplified as no other man in our history ever exemplified it, and which the Progressive party to-day in its turn exemplifies. When Lincoln says, "Stand with anybody that stands right; stand with him while he is right, and part with him when he goes wrong," and when the old Illinois first Republi-

can platform says that "When parties become subversive of the ends for which they are established, it is the right and the duty of the people to dissolve the political bands by which they have been connected therewith, and to organize new parties," we find the case of the men and women who met in Chicago on August last to launch the new Progressive party put with convincing clearness. Lincoln, who with his strange power of prophetic vision, forecast the present situation, when, in asserting his loyalty to principles rather than to a party name, he said that if the Republican party proved false to its principles, then "these principles round which we have rallied and organized that party would live; they will live under all circumstances, while we will die. *They would reproduce another party in the future.*" All that Lincoln foretold has come to pass before our eyes. The Republican party has proved false to its principles; and those principles have lived; and they have produced another party, the party of progress, which has grasped the banner of righteous liberty from the traitor hands that were trailing it in the dust.

So much then for the right and the duty of the citizens to form a new party when the old parties prove incompetent to help the people. What is true of parties is no less true of issues which underlie the need of parties.

On the issue of his day Lincoln spoke as follows:

"That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says: 'You toil and work and earn bread, and I'll eat it.' No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit

of their labors, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle."

Surely the Progressive platform of to-day is but an amplification of this statement of Lincoln's. We Progressives are to-day standing for the common rights of humanity and against the doctrine—whether enunciated by political kings or by money kings, whether championed from a throne, or by a judge from the bench—which announced that it is one man's duty to toil and work and earn bread and the right of another man to eat it when earned. We who denounce this doctrine are accused of being revolutionary by the very men who now falsely claim heirship in Lincoln's name although they repudiate Lincoln's principles. What have these men to say about the words I thus quoted from Lincoln? What sentiment have we ever uttered more revolutionary than this I have quoted?

Again, Lincoln said that "As a general rule, much of the plain old democracy is with us, while nearly all the old, exclusive silk-stocking whiggery is against us. I do not mean nearly all the old Whig party, but nearly all the nice, exclusive sort. And why not? There has been nothing in politics since the Revolution so congenial to their nature as the present position" of our opponents. Here again, how would it be possible better to describe the exact position of us and of our opponents to-day?

Again, we have been taunted because we say that we put the man above the dollar, and regard the rights of man as superior to the rights of property. Our opponents say that these statements are demagogic. Well, I quote from Lincoln: "The Jefferson party was formed upon this supposed superior devotion to the personal rights of man, holding the rights of property to be secondary only and greatly inferior." (Our opponents) "hold the liberty of one man to be absolutely nothing when in conflict with another man's right of property." (We) "on the contrary are for both the man and the dollar, but in case of conflict, we are for the man before the dollar." How would it be possible to put the Progressive position more

strongly than Lincoln thus put it fifty-five years ago! Lincoln said that his opponents claimed to be "conservative, eminently conservative," while they denounced Lincoln as "revolutionary" and "destructive." Later he set forth in detail this alleged revolutionary and destructive position, saying: "This is essentially a people's contest for maintaining in the world that form and substance of government whose leading object is to elevate the condition of man, to lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race of life. This is the leading object of the government for whose existence we contend." Could there be framed a better statement of the purpose of the Progressive party to-day, to war against privilege and for an equal opportunity; or a better answer to those who accuse us of being revolutionary and destructive?

Again our opponents have attacked us because they say we are trying to substitute pure democracy for representative government, and they uphold the ideal of the present Republican party as being a government of the people, not "by the people," but by a "representative part" of the people. Our opponents have especially objected to our doctrine that the people have the right to control all their servants, judicial, executive, and legislative alike. Well, listen to Abraham Lincoln. He assailed his opponents because they made "war upon the first principle of popular government, the rights of the people," because they "boldly advocated" "the denial to the people of the right to participate in the selection of public officers except the legislative," and because they argued "that large control by the people in government" is the "source of all political evil." Mind you, I am quoting from Lincoln's words uttered over fifty years ago. They are applicable in letter and in spirit to our opponents to-day. They apply without the change of a word to those critics who assail us because we advocate the initiative and the referendum and, where necessary, the recall, and because we stand for the right of the people to

control all their public servants, including the judges when the judges exercise a legislative function. Again, special opposition has been made to us because of our supposed attitude in exalting labor at the expense of capital. Well, listen to Lincoln once more. He says that he wishes to make a point "in favor of popular institutions" and against "the effort to place capital on an equal footing with, if not above, labor in the structure of government." He continues: "Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration." He then adds with his usual temperate wisdom: "Capital has its rights, which are as worthy of protection as any other rights; nor is it denied that there is and probably always will be a relation between capital and labor producing mutual benefits . . . (there should be no) war upon property, or upon the owners of property. Property is the fruit of labor; property is desirable, is a positive good in the world." And he concludes with a thoroughly Lincoln-like touch: "Let not him who is houseless pull down the house of another; but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built." Elsewhere he discussed what he calls "the mud-sill theory of labor" and his own. He states that the advocates of the mud-sill theory assume that labor and education are incompatible, that from their standpoint the ideal laborer is "a strong-handed man without a head." Down in the bottom of their hearts, this is the precise position that the ultrareactionaries among our opponents take to-day! Then Lincoln develops his own theory, which is that all men should be educated, and that therefore educated people must labor, because otherwise "education itself would become a positive and intolerable evil, for no country can sustain in idleness more than a small percentage of its numbers. The great majority must labor at something productive, and the ideal is that each particular head should direct and control its own pair of hands."

Here again surely Lincoln states exactly the Progressive position of to-day, the Progressive position which the reactionary Republicans of to-day denounce as radical and revolutionary.

Our opponents are fond of saying that the governmental regulation which we advocate interferes with "liberty." This is the argument of which certain judges and certain lawyers are most fond. It is the "liberty" which every reactionary court wishes to guarantee to the employer who makes money from the life-blood of those he employs; the "liberty" of the starving girl to starve slowly in a sweat-shop, or to accept employment where she hazards life and limb, at her own risk, in the service of others. Well, it was Lincoln who said that the reactionaries of his day "sighed for that perfect liberty—the liberty of making slaves of other people."

Even in such seemingly local and temporary matters as fusion, as "getting together" with men who have acted against us, we can learn from Lincoln. In 1859, after the Republican defeat nationally, and his own defeat by Douglas, he clearly outlined why it was desirable for all good citizens to act together without regard to past political differences, but added that it was indispensable that such action should be on the basis of the then Republican platform, the then Progressive platform. He warned one correspondent against the temptation to "lower the standard in order to gather recruits," saying: "In my judgment such a step would be a serious mistake and open a gap through which more would pass out than pass in. There are many men in the slave States for whom I would cheerfully vote to be either President or Vice-President provided they would be willing to enable me to do so with safety to [our] cause, without lowering [our] standard. This is the indispensable condition of union with us, it is idle to talk of any other."

To another correspondent he wrote: "As to the matter of fusion, I am for it if it can be had on [progressive] grounds; and I am not for it on any other terms. A fusion on any other terms would be as foolish as unprincipled. It would

lose the whole [of what we have] while the common enemy would still carry [all the vote that is hostile to us]. The question of men is a different one. There are good patriotic men and able statesmen [in the territory opposed to us] whom I would cheerfully support if they would now place themselves on [progressive] grounds, but I am against letting down the [progressive] standard a hair's breadth." In these quotations I have merely substituted "Progressive" for the party name of the progressives of Lincoln's day; and what Lincoln then said as to platform principles, men, and methods, applies exactly to all attempts to fuse or amalgamate the Progressives with any other party in our own days.

Our opponents are especially fond of denouncing our attitude toward the courts, and above all, our demand that the people shall be made masters of the courts as regards constitutional questions. Listen to Lincoln. "We must prevent these things [which are wrong] being done by either congresses or courts. The people of these United States are the rightful masters both of congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution." How is it possible better to state the progressive position to-day? We wish to see the people the masters of the court not to overthrow the Constitution but to overthrow those who have perverted the Constitution into an antisocial fetich, used to prevent our securing laws to protect the ordinary working man and working woman in their rights.

The language that we have used in denouncing judicial decisions which to-day have cramped us in the effort to get social and industrial justice is far milder than the language which Lincoln used year after year in denouncing the Dred Scott decision—the decision which in his day stood in the path of social and industrial justice. One of Lincoln's chief opponents attacked him in this matter as follows: "He tells you that he does not like the Dred Scott decision. Suppose he does not, how is he going to help himself? He says that he will reverse it. How will he reverse it? I know of but

one mode of reversing judicial decisions, and that is by appealing from the inferior court to the superior court. But I have never yet learned how or where an appeal could be taken from the Supreme Court of the United States. The Dred Scott decision was pronounced by the highest tribunal on earth. From that decision there is no appeal this side of Heaven. Yet Mr. Lincoln says that he is going to reverse that decision. By what tribunal will he reverse it? Will he appeal to a mob? Does he intend to appeal to violence, to lynch-law? Will he stir up strife and rebellion in the land, and overthrow the court by violence? He does not deign to tell you how he will reverse the Dred Scott decision, but keeps appealing each day from the Supreme Court of the United States to political meetings in the country. He wants me to argue with you the merits of each point of that decision before this political meeting. I say to you, with all due respect, that I choose to abide by the decisions of the Supreme Court as they are pronounced. It is not for me to inquire, after a decision is made, whether I like it in all the points or not. When I used to practise law with Lincoln, I never knew him to be beat in a case that he did not get mad with the judge and talk about appealing; and when I got beat I generally thought the court was wrong, but I never dreamed of storming the court-house and making a stump speech to the people against the judge, merely because I had found out that I did not know the law as well as he did. If the decision did not suit me, I appealed until I got to the Supreme Court, and then if that court, the highest tribunal in the world, decided against me, I was satisfied, because it is the duty of every law-abiding man to obey the Constitution, the laws, and the constituted authorities. He who attempts to stir up odium and rebellion in the country against the constituted authorities is stimulating the passions of men to resort to violence and to mobs instead of to the law. Hence, I tell you that I take the decisions of the Supreme Court as the law of the land, and I intend to obey them as such."

With only such changes as are necessary to fit the language

to the issues of to-day instead of to the issues of fifty-five years ago, this denunciation of Lincoln by his opponents for what he then said is practically identical with the denunciation of us by our opponents for what we to-day say on the same subject. Our opponents now tell us that we must helplessly bow to the decisions of the courts when the decisions are wrong; we say, as Lincoln said of the Dred Scott decision, "somebody has to reverse that decision since it is made, and we mean to reverse it, and we mean to do it peaceably." We say this of the Dred Scott decisions of our own time; of decisions like the tenement-house cigar-factory decision, like the bakeshop decision, like the Knight Sugar Case, like the Workmen's Compensation Act decision. Lincoln, in taking the same attitude that we now take, said that he did not propose to disturb that particular decision, but that he would not have the citizen conform his vote to this decision of the Supreme Court nor the member of Congress his, and that he would oppose making it "a rule of political action for the people." Is not this in principle the very position we Progressives now take? And Lincoln continued: "By resisting it as a political rule, I disturb no right of property, create no disorder, excite no mobs." What better justification of our own present position could we ask than this which Lincoln made for us half a century ago?

Our position on this matter is fundamentally the position of Lincoln. We do not go as far as Jefferson and Jackson went. Our opponents say that we attack the courts. We do not. We attack judges when they go wrong, just exactly as we attack other people when they do wrong—Presidents, senators, congressmen. And here again we follow Lincoln. In one of his speeches Lincoln said distinctly that he believed that there was a proslavery conspiracy between the chief justice of the United States, the outgoing and incoming Presidents of the United States, and a United States senator, the Dred Scott decision being one of the features of that conspiracy. He therefore charged that there was a "conspiracy" between

the court and certain leading politicians belonging to the same party. This is an attack far more bitter than any we have ever made upon the courts. Lincoln was not attacking the courts any more than the presidency, although he attacked given individuals who were on the Supreme Court, just as he attacked given individuals who occupied the position of President. This is precisely and exactly the position that the Progressives take to-day. In his Inaugural Address Lincoln stated that "if the policy of the government on vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court" then "the people will have ceased to be their own rulers, having to that extent resigned the government into the hands of that eminent tribunal." Senator Bristow's recently introduced amendments to give to the people the right themselves to decide the policy of the government upon vital questions in cases where they do not agree with decisions rendered by the Supreme Court is but carrying out the principles set forth by Lincoln in this his First Inaugural Address.

At this moment there has occurred in Idaho a decision by the highest State court which within its own limits is an even graver offense against justice and decency, and an even greater blot on the American judiciary, than the Dred Scott decision itself. The reactionary supreme court of Idaho has played into the hands of the Republican machine of which it was itself a part, precisely as Justice Taney and the majority of the Supreme Court of the nation in 1857 played into the hands of Presidents Pierce and Buchanan and the reactionary organization of which he and they were parts. In the campaign last year the Republican machine succeeded by the exercise of flagrant political dishonesty in preventing the will of the rank and file of the Republican party being expressed in the nomination. They then, wherever they dared, sought to deny to the people of the United States the right freely to express at the polls their preference for President. The Republican machine swindled the rank and file of the Republicans out

of their rights, and nominated the machine candidate and in forty-six of the forty-eight States he went on the regular ticket without further effort, becoming thus the beneficiary of his and their wrong-doing. In but two States, California and South Dakota, were the Republicans forced to go on the ballot by petition; in precisely the same method by which we Progressives were forced to get on the ticket in the other forty-six States. Everywhere throughout the primary contest and at the subsequent electoral contest we Progressives scrupulously respected every right of the Republicans and saw that they had every chance to give the fullest and freest expression to their desires. But wherever they had the opportunity, the evil political bosses to whose keeping they had surrendered their political consciences, sought to cheat and swindle us. They did this in the primaries here in New York City; and in Washington, in Michigan, in Indiana, in Arizona, in Texas, in Alabama, and in every one of these cases when at the polls we could get even an approximately fair count we overwhelmingly defeated them. But so far as they dared they also tried to tamper with the election machinery so as to thwart the will of the people. In Idaho the result was as grave a miscarriage of justice at the election as had already occurred at the nomination convention, and the court became the most potent instrument in this denial of justice. The election law of Idaho makes no provision for presidential electors. The presidential electors nominated by the old parties in convention were put on under a section which made no direct provision therefor. I think this was quite right, for it was the highest duty of the court to try to favor the voters in expressing freely their choice for the highest office in the land. But when the Progressives sought to place their electors on the ticket by petition, the court, on the motion of the machine Republicans, denied the Progressives this right, stating that the electors were not State officers; and this although the United States Supreme Court had already held that they were not national, and although the Idaho court had itself previously held that

in their law the term "State officers" was merely a phrase indicating area or extent of territory. This decision I hold to have been an outrage upon the people of Idaho, and not merely upon them but upon the people of the United States, for any interference with the right of an American in any State to cast his vote and to have it counted for the President of his choice is an offense against the Americans of all States. The Progressives were reduced to the necessity of writing the names of the electors on the ballot, and it is an astounding fact that twenty-five thousand men and women of Idaho were able to do this and to press the old parties hard. I think the result of the vote showed that if we had been given our clear and undoubted rights Idaho's electoral vote would have been in the Progressive column. The action of the reactionary court, taken in combination with the action of the Republican machine, resulted in the deprivation of the right of the people of Idaho to express their choice for President.

Abraham Lincoln said that he believed the Dred Scott decision represented a conspiracy against liberty between the then Supreme Court and the leading officers of the reactionary party to which that Supreme Court belonged. I believe that with even more justice Abraham Lincoln if alive to-day could make the same statement about the action of the reactionary court of Idaho in connection with the reactionary leaders of the Republican machine of Idaho. But the court did not stop here. There was in Idaho a newspaper which fearlessly and in entirely proper manner condemned the court for this outrage. The editor and publisher of that paper, and another man connected with them, have been thrown into jail and fined heavily for contempt by the court. The court in its opinion has cited the numerous dynamite outrages and the like that have occurred, as justifying their action. No more extraordinary plea was ever made. I yield to no man in the horror I feel for the Anarchists and for all other criminals who do murder, whether by dynamite or in any other fashion. They cannot be condemned too unsparingly and no legal ac-

tion against them can be too rigorous. But the damage they do, though great, is by no means as great to the cause of law and order as is that done by a decision such as the decision in question; and no Anarchist ever can or ever will hurt the courts as they are hurt by such action as this of the highest court of the State of Idaho. Remember that if the position of the Idaho court in punishing its critics for contempt is proper, then Abraham Lincoln should have been jailed and fined for his words about the Supreme Court of the United States in connection with the Dred Scott decision. Abraham Lincoln was no more and no less guilty than the three men whom the supreme court of the State of Idaho has imprisoned for contempt because they criticised, in less severe language than Abraham Lincoln's, a decision as indefensible from every standpoint of law and justice and popular rights as the Dred Scott decision itself. The incident emphasizes the fact that the time had come when it was necessary for such a protest to be made in reference to the courts as the Progressive party has made. Exactly as the attitude of the convicted Progressive editors in Idaho stands on all fours with the attitude of Abraham Lincoln fifty years ago, so the Progressive party in its attitude both toward the recall of judges and toward the right of the people to insist that they and not the judges are to have the ultimate say-so in making their own constitution, takes precisely the attitude of Abraham Lincoln when he said that "the people are the masters of both Congresses and the courts, not to destroy the Constitution, but to overthrow those who would destroy the Constitution." A case like that in Idaho shows the need of the power of popular recall of the judiciary, a need which I believe could probably be best met by having the judges appointed or elected for life, but subject on petition to recall by popular vote every two years—which system in its essentials would be like that which has actually, although not nominally, obtained in Vermont, except that it would substitute popular vote for legislative action.

This action would not, however, meet all the difficulties of the case. In this State, for instance, there have been many well-meaning judges who, in certain cases, usually affecting labor, have rendered decisions which were wholly improper, wholly reactionary, and fraught with the gravest injustice to those classes of the community standing most in need of justice. What is needed here is not the right to recall the judge, who in some one instance gives a mistaken and reactionary interpretation of the Constitution, but the right of the people themselves to express after due deliberation their definite judgment as to what the Constitution shall permit in the way of legislation for social and industrial justice. Always remember, friends, that I am not speaking of the judicial functions which can properly be called such. I am not speaking of the functions exercised by the judges in other great industrial countries such as France, Germany, or England. I am speaking of the purely political function exercised by the judge in our country, and only in our country, in annulling legislation. The reactionaries, the beneficiaries of privilege, the upholders of special interest, have denounced my proposal as radical. On the contrary, it is conservative. Our proposal is by no means as radical as the system which obtains at the present moment over the border in Canada, which obtains in England as well as in France and Germany. In these countries the judge has no power to question a legislative act. I do not propose to reduce the power of the judge to the level of the judge's power in these countries. The absurdity of the outcry against my proposal as "revolutionary," as "destructive" of the dignity of the courts is shown by the fact that I do not propose to shear the judge of any power any English judge possesses or for nearly three centuries has possessed. No English judge to-day exercises a particle of the power which I propose to take from the American judge, and I propose to leave the American judge power which the English judge does not possess.

Recently the prime minister of Great Britain, in speaking on

the Home Rule bill, criticised sharply, and as I believe with justice, the provisions of our American Constitution which have caused the abuses of which we complain, or at least the interpretation which these provisions have been given by the American courts. Mr. Asquith is one of the foremost lawyers of the civilized world. He is the head of the great Liberal party of Great Britain and Ireland. He announced, speaking for the Liberals of Great Britain and Ireland, and for many of the Conservatives, that it was not the practice of the British democracy to submit to the decision of our courts the meaning of phrases such as those which have been invoked by our courts for the denial of the right of the people to do justice. The Liberal papers of Great Britain, and the Home Rule papers of Ireland, heartily backed Mr. Asquith's statements. They pointed out that what had occurred in America showed that if the courts were given such power in England and Ireland as they have here, the lawyers would grow rich by resisting the enforcement of laws on constitutional grounds, all administration would be checked, the decisions of the courts would be treated with disrespect, and the laws themselves would be tossed from court to court for years in a vain effort to ascertain whether or not they need be enforced. As one of the Liberal dailies phrased it: "The American courts decide, usually unfavorably, whether an act establishing an income tax, or workmen's compensation act, or factory legislation, is law. Judges are not trained for this kind of function, and no man who knows the history of the exercise of this function by American judges but will agree that it erects one of the most galling of all possible tyrannies."

I am sorry to say that I must agree with this criticism of this feature of our Constitution, or rather, of this practice of construing the Constitution as it has obtained in increasing measure for the last fifty years. Marshall performed a great and needed service, one of the greatest services any statesman ever performed, when in a period of national weakness he put the Supreme Court behind the national ideal. But such a practice

as he inaugurated could be maintained permanently only if it was exercised with the greatest moderation. For over half a century it was thus exercised. But under the strain of what I must call class pressure—the pressure of the privileged classes—this power has during the last fifty years come to be exercised in utterly reckless fashion. The result has been in a lamentably large number of cases to make the courts the bulwarks of special privilege against justice. Against this misconception and provision of our Constitution the organization of the Progressive party is the protest of the American people. Rather than have the present practice continued, I believe the people would make the legislature the sole arbiter of its own functions under the Constitution, exactly as is done in England and in Canada. But this I should regret. I would much rather not go to this length. But this much is certain, if any event of the future can be considered certain. If the reactionaries by their foolish violence in objecting to sensible, moderate proposals intended not to abolish but to regulate the exercise of the extraordinary judicial power succeed in delaying every measure of relief, they will finally force the American people to such action because there is no other alternative.

I am glad to have the courts retain their present power, provided always that we make living and efficient and practical the power which Abraham Lincoln claimed for the people, the power of being master over the courts exactly as they are master over the legislative bodies and executive officers. One of the prime reasons for the reckless legislation which we so often see in Congress and in State legislatures is the lack of responsibility of members, who believe they can safely pass any law demanded by a section of the people because the courts will declare it unconstitutional. Such a practice is destructive to self-respect in the legislator, it encourages ignorance and tyranny in the judge, and it is ruinous to the interests of the people. Our proposal is that when two of the agencies established by the Constitution for its own enforcement, the legislature and the courts, differ between themselves as to what

the Constitution which created them, means, or what it is to be held to mean, then that the people themselves, the people who created the Constitution, who established, whom Abraham Lincoln said are masters of both court and legislature, shall step in and after due deliberation decide what the Constitution is or is not to permit.

I hold that in such a case as the Bakeshop Case, in such a case as the Workmen's Compensation Act, in such a case as the Tenement-House Cigar-Factory Act, in such a case as the act providing for the safeguarding of dangerous machinery, in such a case as the eight-hour law, that it is for the people themselves to decide whether such a law is or is not to stand on the statute-books. I do not care whether you call this action of theirs "construing" the Constitution or "making" the Constitution. I care for the fact and not for the name. This is the position that Jefferson took when Jefferson said that if the legislature passes an act and the courts decide that it has not the power to pass it, the people must step in to decide which of these agents is to be upheld. In such matters as these I have spoken of, judges have no especial means of knowing the facts. Indeed they usually have less means of arriving at a just conclusion on such a question of policy than has the average man.

The reactionaries of both parties will fight us to the death on this issue. They are entirely willing to express lip-loyalty to Progressive policies if only they can prevent these policies being put into effect. They are entirely willing to express a desire for justice if they keep in the hands of the court the power to nullify every effort to get justice. We must make this nation a real democracy; an economic as well as political democracy free from every taint of either sectional or sectarian hatred; a democracy of true brotherhood which knows neither North nor South, East nor West, which recognizes the right of each man to worship his Creator as he chooses; a democracy which recognizes service and not pleasure as the ideal for every man and woman, which stands for each individual's

performance of his own duty toward others even more than for his insistence upon his rights as against others.

Then, friends, having made a real democracy, we must remember that however good we make the law, more important still is it that the people themselves shall show loyalty in support of the law. I wish to see this made a real democracy, because I believe that our people have the capacity for self-control, for self-mastery. Ever in government there must be control somewhere, mastery somewhere. Ever in government there must be loyalty and obedience to law if law is to prevail. Our purpose should be twofold. We should take from the boss, from the big financier, from the judge himself where the judge even though well-meaning acts against the cause of justice, the power to misrepresent us. We should give that power into the hands of the people. Then we should make it understood by the people that power is a curse to the holder if it is abused, that we the people must show obedience to the law, loyalty to our ideals, self-control, self-mastery, self-restraint. We must act with justice and broad generosity and charity toward one another and toward all men if we are to make this Republic what it must and shall be made, the nation in all the earth where each man can in best and freest fashion live his own life unwronged by others and proudly careful to wrong no other man.

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THE "NEW FREEDOM" AND THE COURTS[1]

SOME ten months ago the Progressive party at its first national convention promulgated a platform of principles which I verily believe that lovers of clean and decent politics, that believers in sound and enlightened statesmanship and upholders of social and industrial justice, will in the future recognize as one of the great documents in American political history. In that document we laid down certain principles the truth of which and the need for the application of which have been almost startlingly shown by events that have occurred since election. We declared, for instance, in favor of the National Government's undertaking on a gigantic scale the work of harnessing the rivers and controlling the floods throughout the Mississippi basin, using for that purpose the outfit that has been used in building the Panama Canal. The floods of last spring, the untold havoc they wrought from Ohio to Louisiana, surely emphasize the need of the demand the Progressives then made. We Americans are sometimes a short-sighted and forgetful people, and it will be a dreadful thing if we now forget the lesson thus taught and let Congress proceed on the old familiar "pork-barrel" theory of dealing with our river systems, a theory almost completely lacking in good results and fraught with incalculable waste, extravagance, and political trickery.

In the same way, the demand that the Progressive party made for national regulation of corporations and combinations so as to favor them in doing legitimate business and at

[1] Speech at the National Conference of the Progressive Service, Portsmouth, R. I., July 2, 1913.

the same time to insure their doing justice to their rivals, to their customers, and to their employees, has been emphasized by what has occurred in the West Virginia bituminous-coal fields. The utter futility of the plan of action, or rather non-action, advocated in both the Republican and Democratic platforms last year, and christened by President Wilson with magniloquent vagueness the "New Freedom," has been strikingly shown by what has thus occurred in West Virginia. The worth of any such phrase as this of our scholarly and well-intentioned President lies in its interpretation. A careful study of the articles that have appeared by President Wilson dealing with this subject since he was President has left us somewhat puzzled as to what he really does mean; but of course I assume that there must be meaning, and if this assumption is warranted, then the "New Freedom" means nothing whatever but the old license translated into terms of pleasant rhetoric. The "New Freedom" is nothing whatever but the right of the strong to prey on the weak, of the big men to crush down the little men, and to shield their iniquity beneath the cry that they are exercising freedom. The "New Freedom" when practically applied turns out to be that old kind of dreadful freedom which leaves the unscrupulous and powerful free to make slaves of the feeble. There is but one way to interfere with this freedom to inflict slavery on others, and that is by invoking the supervisory, the regulatory, the controlling, and directing power of the government precisely as the Progressives last year demanded in their platform, and as I and those like me demanded in our speeches. Every honest and law-abiding business man when once he realizes what the situation actually is will welcome our proposals; and for the wage-worker and the small man in business, the only hope of permanent relief comes through our programme.

It is vital to remember always that in dealing with a great wrong what is necessary is to do away with the conditions that create the wrong. In West Virginia it was not the men

responsible for putting a stop to rioting and lawlessness who were to blame; it was their sworn duty to put a stop to rioting and lawlessness, and if this could only be done by the establishment of martial law, then martial law had to be established. The men responsible for government had to face the evil conditions created by the extremists of both sides in the absence of thoroughgoing governmental regulation and control. They had to face the greed and avarice of capital at its worst and arrayed over against it a spirit of revolt, proper in itself, but which, alas! too often developed into a murderous and violent anarchy. The government should not content itself merely with restoring law and order; although this is the essential first step, it is only the first step; and when law and order have been obtained a system of fair play must be established or the evil will return with increasing violence. What is needed is the thorough rooting out of the conditions which brought about the dreadful state of affairs in the West Virginia bituminous fields. The basis of the whole trouble is the fact that under the notions of unlimited competition, which is what the "New Freedom" in practice amounts to, the bituminous-coal mine business is competing to death. In that region we see in actual operation the ever-competitive conditions to which the advocates of the "New Freedom" would have us return under the impression that they offer a panacea for all our ills. The "New Freedom" has actually obtained in the West Virginia coal-fields, with the result that there is little money in it for the operators, that the business is conducted with extreme wastefulness, that it is very dangerous, and that the main source of profit left the mine-owner is what he can squeeze out of his laborers, so that he has exploited them in every way ranging from unjustifiable injunctions issued by judges in the interest of unscrupulous capitalists to the "pluck-me" stores of the capitalists themselves. The worst injunctions, so far as my remembrance goes, in the whole history of the United States have been granted in West Virginia. Ten years ago some of the injunctions then granted by Judge

Jackson read as the veriest travesty upon justice. Under the pressure of an unenlightened capitalistic opinion, the West Virginian courts have rendered decisions—in strict accordance with the principles of the "New Freedom"—which themselves serve as the most striking object-lessons of the need of the wide-spread application of Progressive principles.

In the district where the rioting has occurred the employing operators have not only discriminated in utterly unjust and antisocial fashion against labor-unions, but have endeavored to keep the miners in a state of practical serfage by the use of the company stores. A company store is a store run by the employers of the wage-workers at which the wage-workers are required by direct or indirect pressure to make their purchases, paying them in part or in whole by orders upon these stores. Every man acquainted with the conditions of labor where they are worst and most degrading, knows that this type of company store is one of the most effective of all agencies in the work of degradation. This fact has been recognized and the practice forbidden in most civilized countries, in England, for instance, again and again. Indeed in England legislation was passed forbidding this practice more than seventy years ago! and yet now we in America, we who on the Fourth of July are fond of claiming to be in the forefront of progress, actually permit the continuance of the intolerable practices which have passed out of the memory of the oldest man in England. The West Virginia legislature did its duty by passing laws requiring the cash payment of wages, and prohibiting persons and corporations engaged in mining and manufacture from selling any merchandise or supplies from stores to their employees at a greater percentage of profit than to outsiders. These laws were contested in the courts as unconstitutional. Half of the judges declared that they were constitutional, and were in the interests not only of justice but of domestic peace; and I think all minds not smothered in legalism will agree with them. But as a whole the West Virginia court has repudiated the principle of justice upon which

these laws were based, and has declared that they were ineffective, as in contravention of the Constitution. The court explicitly states that a contract for labor is property, thereby putting the life-blood of men, women, and children on a level with the commodities they produce, and declares for that form of the "New Freedom" which invokes the Constitution in order to forbid any interference with those evil and dreadful methods of buying and selling property and contracting in respect thereto which ruin the wage-worker. The mining companies have made enormous profits from their employees through this store-order business; and, by the way, the Progressive party everywhere should emphatically take ground against it and in favor of the cash-payment system and in favor moreover of having that system adopted notwithstanding the opinion of any reactionary court in reference thereto.

The study of the West Virginia cases shows the imperative need of introducing as speedily as possible that plank of the Progressive platform which will make the people really and not merely nominally, the sovereign power as regards the exercise of the most vital of the functions of sovereign power, the function of deciding what the laws, and above all the fundamental law which we call the Constitution, shall be in matters of social and industrial justice. If the people are not sovereign over their own officials, then we do not live in a real democracy; for a government based on the divine right of irresponsible judges, no matter how learned and well-meaning, is as flat a negation of popular rule and democracy as is a system based on the divine right of kings. In 33 West Virginia 179 and 188, the court explicitly repudiated the notion that the miners are entitled to be paid in cash or can by law be secured such a right, or that the mine-owners can be prohibited by law from selling to the laborers at a higher price than to outsiders. The court stated that these laws represented "unjust interference with private contracts and business," and that they were an "insulting attempt to put the laborer under legislative tutelage," which was "degrading to

his manhood" and "suppressive of his rights as a citizen of the United States." In the *State v. Mack Mfg. Co.,* Judge Hervery used the following language:

"In that drift toward paternalism, which has so largely manifested itself in the legislation of the various States in recent years, the state has been frequently called upon to interfere on these matters which we have been taught to believe might be safely left to the care of the parties immediately interested. . . . My conclusion is that the laborer has the constitutional right in the language of the Supreme Court of Pennsylvania to sell his labor for what he thinks best, whether money or goods, just as his employer may sell coal, and any and every law that proposes to prevent him from doing so is an infringement of his constitutional privileges, and consequently void. (Citing *Godchild v. Weigman,* 113 Pa., St., Rep., 431). I am of the opinion that the first section of the act is unconstitutional."

These opinions put the case of the "New Freedom" concisely. They say that the laborer has the freedom, or as they phrase it the "right" to sell his labor as he thinks best, and that any law controlling this right is unconstitutional. Literally and exactly this decision stands on a par with one which in the name of freedom should guarantee the laborer the right to sell himself into slavery. It represents nothing whatever but the effort, the successful effort, to suppress the workers' end of an economic controversy by denying him just law; and in actual practice this has been supplemented in West Virginia by the issuance of oppressive injunctions against the laborer. Finally when the result was an outburst of wild violence, so that there practically remained no law, no constitution, no court, the authorities were forced to grapple with the actual need of things by instituting martial law. Judging from the letters published by Father Collins, a priest whose knowledge of the situation and devotion to the cause of labor seem to be unquestioned, it was necessary to declare martial law, and the representatives of the power of the State did an essential work

in keeping and restoring order. But once order has been restored it is even more essential that the governmental authorities shall resolutely devote themselves to the destruction of the bitterly unjust conditions which were responsible for causing the anarchy.

I wish I could make the men of property in this country, the big business men in New York, in Boston, in Providence, throughout our country, understand that in fighting such conditions as these in the bituminous-coal fields, and in fighting such court decisions as those which I have quoted, I am fighting against anarchy, against the Socialism of the I. W. W., and in favor of law and order and for property. As I said at the outset, I believe that one of the chief causes of the trouble in West Virginia has been the insistence upon unregulated cut-throat competition, the refusal to allow combination for good purposes, and the failure to exercise thoroughgoing governmental control alike over separate individuals and corporations and over the combinations that are legal and permissible. In dealing with big corporations, as in dealing with all business, it is an absolute necessity for us to abandon the utter folly of discriminating against them on the ground of size instead of on the ground of conduct. Combinations may exist for a good purpose just as they may exist for a bad purpose, whether among business men, among farmers, among laborers; and as regards all of them our aim should be effectively to suppress combinations that work evil, and also to favor those that do well, while nevertheless exercising over them such thoroughgoing control as to enable us to be sure that they in very fact do well, alike to competitors, to wage-workers, and to the general public. If a corporation or a combination makes for efficiency we favor it, providing the benefits are shared with reasonable equality among the employers and capitalists, the workers and the general public. If, however, the so-called efficiency represents merely profits for the employer obtained by exploiting the workmen or mistreating his rivals, or swin-

dling the general public, then our desire is not merely to stop the practices but to punish those who take part in them.

It is our aim to help legitimate business. We wish to see the business man prosper and make money, for unless he does prosper and make money he can neither permanently pay good wages to his employees nor permanently render good service to the public. Therefore, on grounds not only of abstract morality but of self-interest, we wish to favor the business man and see him succeed. We wish to give him laws under which there will be a reasonable administrative governmental body to which he can appeal to find out just what he can and what he cannot do; laws which will encourage him in the use of the great modern business principles of combination and co-operation, and which by the creation of a proper administrative body will exercise such supervision and control over him as will guarantee that there will be no stock-watering or other devices of overcapitalization for which the honest investors and wage-workers alike have to pay, that there will be no unfair and discriminatory practices against rivals, no swindling of the general public, and no exploitation of wage-workers.

Our proposal is to put the government, acting for the general public, in such shape that it will not ask justice as a favor but demand it as a right which it is ready and able to enforce. We propose to use the power of the government to help the business community prosper by helping the honest business man in all honest and proper ways to make his business successful. We also propose to use it to protect the whole public against dishonest business men and to save the wage-worker from such cruel exploitation as has been practised on him in West Virginia by certain mine-owners working with certain judges as their allies. These men are themselves forbidden by the law to take steps toward securing the highest efficiency and yet are permitted by the law to make money out of the cruel degradation of those whose lives are spent in toil.

It is idle to tell us that the Constitution forbids our having

such laws or to quote opinions of the courts which forbid our right to have them. The Constitution belongs to the people and not the people to the Constitution; and the courts are the servants of the people precisely as is true of all other public servants, legislative and executive alike. It is for the people and not the courts to say whether we shall have such laws in the interest of social and industrial justice, acts providing for cash payment in wages and abolishing these company stores. And we Progressives propose not only to have them, but to provide the machinery which will render it possible without ruinous and heart-breaking delay to have them put on the statute-books as living, as vital laws. In the words of Abraham Lincoln, we propose that the people shall control both the legislatures and the courts, not to pervert the Constitution, but to overthrow those who themselves pervert the Constitution into an instrument for perpetuating injustice, instead of making it what it must and shall be made, the most effective of all possible means for securing to the people of the whole country the right everywhere to create conditions which will tend for the uplift of the ordinary, the average men, women, and children of the United States.

34

THE PROGRESSIVE PARTY[1]

FUNDAMENTALLY the reason for the existence of the Progressive party is found in two facts: first, the absence of real distinctions between the old parties which correspond to those parties; and, second, the determined refusal of the men in control of both parties to use the party organizations and their control of the government for the purpose of dealing with the problems really vital to our people.

As to the first fact, it is hardly necessary to point out that the two old parties to-day no longer deal in any real sense with the issues of fifty and sixty years ago. At that time there was a very genuine division-line between the Republicans and the Democrats. The Republicans of those years stood for a combination of all that was best in the political philosophies of both Jefferson and Hamilton; and under Lincoln they represented the extreme Democratic movement which was headed by Jefferson and also that insistence upon national union and governmental efficiency which were Hamilton's great contributions to our political life in the formative period of the Republic. The Republicanism of that day was something real and vital, and the Republican party under Lincoln was the radical party of the country, abhorred and distrusted by the reactionaries and ultraconservatives, especially in the great financial centres, precisely as is now true of the Progressives. The Democratic party of that day, on the contrary, was no longer the party either of Jefferson or of Jackson, whose points of unlikeness were at least as striking as their points of likeness, and in the world of politics stood for slavery and for

[1] *The Century Magazine*, October, 1913.

such development of the extreme particularistic doctrine euphoniously known as "States' rights," as to mean, when carried to its logical extreme, total paralysis of governmental functions and ultimately disunion.

The outbreak of the Civil War and its successful conclusion forced the majority of the conservative class of the North into the Republican ranks; for when national dissolution is an issue, or even when any serious disaster is threatened, all other issues sink out of sight when compared with the vital need of sustaining the National Government. There is no possibility of even approximating to social and industrial justice if the National Government shows itself impotent to deal with malice domestic and foreign levy.

On the other hand, after the Civil War, the Democratic party found its position one of mere negation or mere antagonism to the Republican party. The Democrats in the Northern States had very different principles in the East and the West, and both in the East and the West alike they had nothing in common with the Democrats of the South save the bond of hatred to Republicanism.

Under such conditions it was inevitable that after the issues raised by the war were settled, and as year by year they tended more and more to become nebulous memories, the new issues which arose should divide the parties each within itself rather than serve as a basis for true party division. The bonds were those of name, custom, and tradition rather than of principle. Each party could pride itself on fervent fixity of opinion as regards the issues that were dead, but each party showed complete indecision of purpose in dealing with the problems that were living. A party which alternately nominated Mr. Bryan and Mr. Parker for President, and a party wherein Messrs. Penrose, La Follette, and Smoot stand as the three brothers of leadership, can by no possibility supply the need of this country for efficient and coherent governmental action as regards the really vital questions of the day. Each party contains within its leadership and membership men who are

hopelessly sundered by whatever convictions they really hold and who act together simply for reasons of personal or party expediency. It is impossible to secure the highest service for the people from any party which, like the democracy, is wedded to States' rights, as against those people's rights which can be obtained only by the exercise of the full power of the National Government. On the other hand, it is utterly hopeless to expect any sincerity of devotion to any principle of concern to the people as a whole from a party the machinery of which is usurped and held by the powers that prey, in the political and business world; and this has been the case with the Republican party since the bosses in June, 1912, at Chicago, stole from the rank and file their right to make their own platform and nominate their own candidates.

So much for the incongruous jumble of conflicting principles and policies within each party and the lack of real points of difference between them. Their showing on this point is so bad that by sheer force of habit our people have grown to accept as a matter of course and without surprise the situations to which it gives rise. For instance, in New York State there was very little genuine surprise among the people as a whole when in the legislature the Republican adherents of the Republican boss and the Democratic adherents of the Democratic boss, after deliberate caucus and conference, repudiated their pre-election pledges as to primary legislation, and joined with hearty good-will to defeat the measure which both had promised to support. It would be difficult to imagine a better instance of the way in which our present party conditions insure the absolute powerlessness of the people when faced by a bipartisan combine of the two boss-ridden party machines, whose hostility each to the other is only nominal compared to the hostility of both to the people at large.

The second fundamental fact of the situation partly depends upon this first fact. Where neither party ventures to have any real convictions upon the vital issues of the day it is normally impossible to use either as an instrument for meeting these

vital issues. Most of these issues, at least in their present form, have become such during the lifetime of the present generation. There are, of course, issues of which this is not true. The need of fortifying the Panama Canal and of building and maintaining a thoroughly efficient navy of adequate size, find their justification in the policy of Washington, for instance, and neither policy can be antagonized save by those who are the heirs of Washington's bitterest and most insidious opponents. Again, the questions arising in connection with our international relations must to-day, as always, be settled exactly along the lines of general policy laid down by Washington, under penalty of risking grave national discredit and disgrace.

But most of the issues which nine times out of ten most concern the average man and average woman of our Republic have reached their present form only within the lifetime of the men who are now of middle age. They are due to the profound social and economic changes of the last half-century, to the exhaustion of the soil and of our natural resources, to the rapid growth of manufacturing towns and great trading cities, and to the relative lowering of the level of life in many country districts, both from the standpoint of interest and the standpoint of profit. Whether we approach the problem having in view only the interests of the wage-worker or of the farmer or of the small business man, or having in view the interests of the public as a whole, we are obliged to face certain new facts. One is that in their actual workings the old doctrines of extreme individualism and of a purely competitive industrial system have completely broken down. Another is that if we are to grapple efficiently with the evils of to-day, it will be necessary to invoke the use of governmental power to a degree hitherto unknown in this country, and, in the interest of the democracy, to apply principles which the purely individualistic democracy of a century ago would not have recognized as Democratic.

It is utterly useless to try to meet our needs by recreating

the vanished conditions which rendered it possible for this vanished individualistic democracy to preach and practise what it did, and which preaching and practising of an extreme individualism, be it remembered, laid the corner of the very conditions against which we are in revolt to-day. The present-day need of our people is to achieve the purpose our predecessors in the Democratic movement had at heart, even though it be necessary to abandon or reverse the methods by which they in their day sought to realize, and indeed often did realize, that purpose. The Progressive party is the only political instrumentality in existence to-day which recognizes the need of achieving this purpose by the new methods which under the changed industrial and social conditions are alone effective.

This means increased efficiency of governmental action. It does not mean in the slightest degree any impairment or weakening of individual character. The combination of efficient collective action and of individual ability and initiative is essential to the success of the modern state. It is in civil life as it is in military life. No amount of personal prowess will make soldiers collectively formidable unless they possess also the trained ability to act in common for a common end. On the other hand, no perfection of military organization will atone for the lack of the fighting edge in the man in the ranks. The same principle applies in civil life. We not merely recognize but insist upon the fact that in the life career of any man or any woman the prime factor as regards success or failure must be his or her possession of that bundle of qualities and attributes which in their aggregate we denominate as character; and yet that, in addition, there must be proper social conditions surrounding him or her.

Recognition of and insistence upon either fact must never be permitted to mean failure to recognize the other and complementary fact. The character of the individual is vital, and yet, in order to give it fair expression, it must be supplemented by collective action through the agencies of government. Our critics speak as if we were striving to weaken the strength of

individual initiative. Yet these critics, who for the most part are either men of wealth who do not think deeply on subjects unconnected with the acquisition of wealth, or else men of a cloistered intellectualism, are themselves in practice the very men who are most ready to demand the exercise of collective power in its broadest manifestation; that is, through the police force, when there is danger of disorder or violence.

The growth in the complexity of community life means the partial substitution of collectivism for individualism, not to destroy, but to save individualism. A very primitive country community hardly needs a constable at all. As it changes into a village and then into a city, it becomes necessary to organize a police force, and this not because the average man has deteriorated in individual initiative and prowess, but because social conditions have so changed as to make collective action necessary. When New York was a little village, a watchman with a lantern and a stave was able to grapple with the only type of law-breaker that had yet been developed. Nowadays, in place of this baggy-breeched, stave-and-lantern carrier, we have the complex machinery of our Police Department, with a personnel ranging from a plain-clothes detective to a khaki-clad mounted officer with an automatic-repeating pistol. As the complexity of life has grown, as criminals have become more efficient and possessed of a greater power of combined action, it has been necessary for the government to keep the peace by the development of the efficient use of its own police powers. It is just the same with many matters wholly unconnected with criminality. The government has been forced to take the place of the individual in a hundred different ways; in, for instance, such matters as the prevention of fires, the construction of drainage systems, the supply of water, light, and transportation. In a primitive community every man or family looks after his or its interest in all these matters. In a city it would be an absurdity either to expect every man to continue to do this, or to say that he had lost the power of individual initiative because he relegated any or all of these

matters to the province of those public officers whose usefulness consists in expressing the collective activities of all the people.

In other words, the multiplication of activities in a highly civilized and complex community is such that the enormous increase in collective activity is really obtained not as a substitute for, but as an addition to, an almost similar increase in the sphere of individual initiative and activity. There are, of course, cases of substitution; but, speaking roughly and on the whole, the statement as above made is accurate. The increase of collective activity for social and industrial purposes does not mean in any shape or way a deadening of individual character and initiative such as would follow on the effort virtually to apply the doctrines of the Marxian Socialists; for "Socialist" is a term so vague, and includes so many men working wisely for justice, that it is necessary to qualify it in order to define it. We are striving in good faith to produce conditions in which there shall be a more general division of material well-being, to produce conditions under which it shall be difficult for the very rich to become so very rich, and easier for the men without capital, but with the right type of character, to lead a life of self-respecting and hard-working well-being. The goal is a long way off, but we are striving toward it; and the goal is not Socialism, but so much of Socialism as will best permit the building thereon of a sanely altruistic individualism, an individualism where self-respect is combined with a lively sense of consideration for and duty toward others, and where full recognition of the increased need of collective action goes hand in hand with a developed instead of an atrophied power of individual action.

Now, it is fairly easy to gain a more or less half-hearted acceptance of these views as right in the abstract. All that the Progressive party is endeavoring to do is to apply them in the concrete.

We are sundered from the men who now control and manage the Republican party by the gulf of their actual practices

and of the openly avowed or secretly held principles which rendered it necessary for them to resort to these practises. The rank and file of the Republicans, as was shown in the spring primaries of 1912, are with us; but they have no real power against the bosses, and the channels of information are so choked that they are kept in ignorance of what is really happening. The doctrines laid down by Mr. Taft as law professor at Yale give the theoretical justification for the practical action of Mr. Penrose and Mr. Smoot. The doctrines promulgated by Mr. Nicholas Murray Butler, when he writes Mr. Barnes's platform, serve to salve the consciences of those who, although they object to bossism on æsthetic grounds, yet sincerely feel that governmental corruption is preferable to the genuine exercise of popular power. This acquiescence in wrong-doing as the necessary means of preventing popular action is not a new position. It was the position of many upright and well-meaning Tories who antagonized the Declaration of Independence and the movement which made us a nation. It was the position of a portion of the very useful Federalist party, which at the close of the eighteenth century insisted upon the vital need of national union and governmental efficiency, but which was exceedingly anxious to devise methods for making believe to give the people full power while really putting them under the control of a propertied political oligarchy.

The control of the Republican National Convention in June, 1912, in the interest of Mr. Taft was achieved by methods full of as corrupt menace to popular government as ballot-box stuffing or any species of fraud or violence at the polls. Yet it was condoned by multitudes of respectable men of wealth and respectable men of cultivation because in their hearts they regarded genuine control by what they called "the mob"—that is, the people—as an evil so great that compared with it corruption and fraud became meritorious. The Republican party of to-day has given absolute control of its destinies into the hands of a national committee composed of fifty-

three irresponsible and on the whole obscure politicians. It has specifically provided that these men, who have no responsibility whatever to the public, can override the lawfully expressed will of the majority in any State primary. It has perpetuated a system of representation at national conventions which gives a third of the delegates to communities where there is no real Republican vote, where no delegation for or against any man really represents anything, and where, in consequence, the national committee can plausibly seat any delegates it chooses without exciting popular indignation. In sum, these fifty-three politicians have the absolute and unchallenged control of the national convention. They do not have to allow the rank and file of the party any representation in that convention whatever, and, as has been shown in actual practice, they surrender to them any control whatever, on the occasion when they deem it imperatively necessary, merely as a matter of expediency and favor, and not as a matter of right or principle.

It is difficult to understand how under these conditions self-respecting men who in good faith uphold popular government can continue in the party. But it is entirely obvious why those in control of the party and its main supporters in the political, financial, and newspaper worlds advocate the system. They do it from precisely the same motives that actuate them in opposing direct primaries, in opposing the initiative and the referendum, in opposing the right of the people to control their own officials, in opposing the right of the people as against the right of the judges to determine what the Constitution, the fundamental law of the land, shall permit in the way of legislation for social and industrial justice. All persons who sincerely disbelieve in the right and the capacity of the people for self-rule naturally, and from their point of view properly, uphold a system of party government like that which obtains under the Republican National Committee. For precisely similar reasons they antagonize every proposal to give the people command of their own governmental machinery. For

precisely similar reasons they uphold the divine right of the judiciary to determine what the people shall be permitted to do with their own government in the way of helping the multitudes of hard-working men and women of whose vital needs these well-meaning judges are entirely ignorant.

From the Democratic party as at present constituted we are radically divided both because of the utter incoherence within that party itself, and because the doctrines to which it is at present committed are either fundamentally false or else set forth with a rhetorical vagueness which makes it utterly futile to attempt to reduce them to practice. The Democratic party can accomplish nothing of good unless it deliberately repudiates its campaign pledges—unless it deliberately breaks the promises it solemnly made in order to acquire power. Such repudiation necessarily means an intellectual dishonesty so great that no skill in rhetorical dialectics can cover or atone for it. To win power by definite promises, and then seek to retain it by the repudiation of those promises, would show a moral unfitness such as not to warrant further trust of any kind. Therefore we must proceed upon the assumption that the leaders of the democracy meant what they said when they were seeking to obtain office. Their only performance so far, at the time that this article is written, is in connection with the tariff and with a discreditable impotence in foreign affairs. As a means of helping to solve great industrial and social problems, the tariff is merely a red herring dragged across the trail to divert our people from the real issues. The present tariff bill has been handled by precisely the same improper methods by which the Payne-Aldrich law was enacted. The only safe way of treating the tariff, that of a permanent non-partisan, expert tariff commission, providing for a schedule by schedule revision, was deliberately repudiated. The Payne-Aldrich tariff was a thoroughly bad bill; and therefore I am all the more sorry to see the principles of evil tariff-making which it crystallized repeated in the Underwood-Wilson bill.

The Democratic party specifically asserted that by correcting

the evils of the tariff they would reduce the cost of living, help the wage-worker and farmer, and take the most important step necessary to the solution of the trust problem. So far, there has not been the smallest evidence that these results will follow their action; and unless such results do follow from it, the Democratic tariff policy will be proved an empty sham.

I have read with care Mr. Wilson's chapter in *The New Freedom* in which he professes to set forth his attitude as regards the trusts. The chapter does not contain, as far as I can find, one specific proposal for affirmative action. It does contain repeated, detailed, and specific misrepresentations of the Progressive position—misrepresentations so gross that all that is necessary in order to refute them is to challenge Mr. Wilson to produce a single line from the Progressive National platform, or from the speeches of the men who stood on that platform, which will bear out his assertions. Aside from these specific misrepresentations, there are various well-phrased general statements implying approval of morality in the abstract, but no concrete proposal for affirmative action. A patient and sincere effort to find out what Mr. Wilson means by the "New Freedom" leaves me in some doubt whether it has any meaning at all. But if there is any meaning, the phrase means and can mean only freedom for the big man to prey unchecked on the little man, freedom for unscrupulous exploiters of the public and of labor to continue unchecked in a career of cutthroat commercialism, wringing their profits out of the laborers whom they oppress and the business rivals and the public whom they outwit. This is the only possible meaning that the phrase can have if reduced to action. It is, however, not probable that it has any meaning at all. It certainly can have no meaning of practical value if its coiner will not translate it out of the realm of magniloquent rhetoric into specific propositions affecting the intimate concerns of our social and industrial life to-day. To discriminate against a very few big men because of their efficiency, without regard to whether their efficiency is used in a social or antisocial manner, may perhaps

be included in Mr. Wilson's meaning; but this would be absolutely useless from every aspect, and harmful from many aspects, while all the other big unscrupulous men were left free to work their wicked will. The line should be drawn on conduct, not on size. The man who behaves badly should be brought to book, whether he is big or little; but there should be no discrimination against efficiency, if the results of the efficiency are beneficial to the wage-earners and the public.

We have waited for a year to see such propositions made, and until they are made and put into actual practice, and until we see how they work, the phrase "New Freedom" must stand as any empty flourish of rhetoric, having no greater and no smaller value than all the similar flourishes invented by clever phrase-makers whose concern is with diction and not action. The problems connected with the trusts, the problems connected with child labor, and all similar matters, can be solved only by affirmative national action. No party is progressive which does not set the authority of the National Government as supreme in these matters. No party is progressive which does not give to the people the right to determine for themselves, after due opportunity for deliberation, but without endless difficulty and delay, what the standards of social and industrial justice shall be; and, furthermore, the right to insist upon the servants of the people, legislative and judicial alike, paying heed to the wishes of the people as to what the law of the land shall be. The Progressive party believes with Thomas Jefferson, with Andrew Jackson, with Abraham Lincoln, that this is a government of the people, to be used for the people so as to better the condition of the average man and average woman of the nation in the intimate and homely concerns of their daily lives; and thus to use the government means that it must be used after the manner of Hamilton and Lincoln to serve the purposes of Jefferson and Lincoln.

We are for the people's rights. Where these rights can best be obtained by exercise of the powers of the State, there we are for States' rights. Where they can best be obtained by the

exercise of the powers of the National Government, there we are for national rights. We are not interested in this as an abstract doctrine; we are interested in it concretely. Wisconsin possesses advanced laws in the interest of labor. There are other States in this respect more backward, where wage-workers, and especially women and child wage-workers, are left at the mercy of greedy and unscrupulous capitalists. Wherever this operates unjustly to favor the capitalists of other less advanced States at the expense of Wisconsin, and therefore for business reasons to make State legislatures fearful of passing laws for the proper safeguarding of the life, health, and liberty of the wage-workers, then we believe that the National Government should step in and by national action secure in the interest of the wage-workers uniform conditions throughout the Union. We hold it to be the duty of the National Government to put all the governmental resources of our people, national and State, behind the movement for the wise and sane uplifting of the men and women whose lives are hardest.

We believe in the principle of a living wage. We hold that it is ruinous for all our people, if some of our people are forced to subsist on a wage such that body and soul alike are stunted. We believe in safeguarding the body of the wage-worker, and in providing for his widow and children if he falls a victim to industrial accident. We believe in shortening the labor day to the point that will tell most for the laborer's efficiency both as wage-worker and as citizen. In the Progressive National platform we inserted the following plank:

"The supreme duty of the nation is the conservation of human resources through an enlightened measure of social and industrial justice. We pledge ourselves to work unceasingly in State and nation for:

"Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry;

"The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and nation, including the Federal control over interstate commerce and the taxing power, to maintain such standards:

"The prohibition of child labor;

"Minimum-wage standards for working women, to provide a living scale in all industrial occupations;

"The prohibition of night-work for women and the establishment of an eight-hour day for women and young persons;

"One day's rest in seven for all wage-workers;

"The eight-hour day in continuous twenty-four-hour industries;

"The abolition of the convict contract-labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families;

"Publicity as to wages, hours, and conditions of labor; full reports upon industrial accidents and diseases, and the opening to public inspection of all tallies, weights, measures, and check systems on labor products;

"Standards of compensation for death by industrial accident and injury and trade diseases which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community;

"The protection of home life against the hazards of sickness, irregular employment, and old age through the adoption of a system of social insurance adapted to American use;

"The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuation schools for industrial education under public control, and encouraging agricultural education and demonstration in rural schools;

"The establishment of industrial research laboratories to put the methods and discoveries of science at the service of American producers.

"We favor the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress."

These propositions are definite and concrete. They represent for the first time in our political history the specific and reasoned purpose of a great party to use the resources of the government in sane fashion for industrial betterment.

We do not believe in confining governmental activity to the city. We believe that the problem of life in the open country is well-nigh the gravest problem before this nation. The eyes and thoughts of those working for social and industrial reform have been turned almost exclusively toward the great cities, and toward the solution of the questions presented by their teeming myriads of people and by the immense complexity of their life. Yet nothing is more certain than that there can be no permanent prosperity unless the men and women who live in the open country prosper. The problems of the farm, of the village, of the country church, and the country school, the problems of getting most value out of and keeping most value in the soil, and of securing healthy and happy and well-rounded lives for those who live upon it, are fundamental to our national welfare. The first step ever taken toward the solution of these problems was taken by the Country Life Commission appointed by me, opposed with venomous hostility by the foolish reactionaries in Congress, and abandoned by my successor. Congress would not even print the report of this commission, and it was the public-spirited, far-sighted action of the Spokane Chamber of Commerce which alone secured the publication of the report. The farmers must organize as business men and wage-workers have organized, and the government must help them organize.

In dealing with business, the Progressive party is the only party which has put forth a rational and comprehensive plan. We believe that the business world must change from a competitive to a co-operative basis. We absolutely repudiate the theory that any good whatever can come from confining our-

selves solely to the effort to reproduce the dead-and-gone conditions of sixty years ago—conditions of uncontrolled competition between competitors most of whom were small and weak. The reason that the trusts have grown to such enormous size is to be found primarily in the fact that we relied upon the competitive principle and the absence of governmental interference to solve the problems of industry. Their growth is specifically and precisely due to the practice of the archaic doctrines advocated by President Wilson under the pleasingly delusive title of the "New Freedom."

We hold that all such efforts to reproduce dead-and-gone conditions are bound to result in failure or worse than failure. The breaking-up of the Standard Oil Trust, for example, has not produced the very smallest benefit. It has merely resulted in enormously increasing the already excessive profits of a small number of persons. Not the smallest benefit would accrue—on the contrary, harm would result—if in dealing with the Steel Corporation we merely substituted for one such big corporation four or five smaller corporations of the stamp of the Colorado Fuel & Iron Company. *The Survey* published a study of the conditions of life and labor among the wage-workers of this company which it is not too much to describe as appalling. The effort to remedy conditions in connection with the trusts by the establishment, instead of one big company, of four such companies engaged in cutthroat competition, cannot work the smallest betterment, and would probably work appreciable harm. That kind of "new" freedom is nothing whatever but the old, old license for the powerful to prey on the feeble.

There is a very real need of governmental action, but it should be action along a totally different line. The result of the unlimited action of the competition system is seen at this moment in the bituminous-coal mines of West Virginia, where the independent operators, in the ferocity of their unregulated competition, and partly because they are forbidden to combine even for useful purposes, seek their profit in the merciless ex-

ploitation of the wage-workers who toil for them. The law, in the strict spirit of the "new freedom," forbids them to combine for a useful purpose, and yet offers no check upon their dealing with their employees in a spirit of brutal greed. What is needed is thoroughgoing, efficient, and, if necessary, drastic supervision and control of the great corporations doing an interstate business, by means of a Federal administrative body akin in its functions to the Interstate Commerce Commission. This body should have power not only to enforce publicity, but to secure justice and fair treatment to investors, wage-workers, business rivals, consumers, and the general public alike.

Such an industrial commission should do as the Interstate Commerce Commission should do, that is, remember always its dual duty, the duty to the corporation and individual controlled no less than to the public. It is an absolute necessity that the investors, the owners, of an honest, useful, and decently managed concern, should have reasonable profit. It is impossible to run business unless this is done. Unless the business man prospers, there will be no prosperity for the rest of the community to share. He must have certainty of law and opportunity for honest and reasonable profit under the law.

Experience has proved that we cannot afford to leave the great corporations to determine for themselves without governmental supervision how they shall treat their employees, their rivals, their customers, and the general public. But experience has no less shown that it is as fatal for the agents of government to be unjust to the corporation as to fail to secure justice from them. In dealing with railways, for example, it is just as important that rates should not be too low as that they should not be too high. The living wage and the living rate are interdependent. In dealing with useful, honestly organized, and honestly managed railways, rates must be kept high enough to permit of proper wages and proper hours of labor for the men on the railroad, and to permit the company to pay compensation for the lives and limbs of those employees who suffer in doing its business; and at the same

time to secure a reasonable reward to the investors—a reward sufficient to make them desirous to continue in this type of investment. Precisely the same course of action which should be followed in dealing with the railroads should also be followed by the Interstate Industrial Commission in dealing with the great industrial corporations engaged in interstate business.

We believe that great fortunes, even when accumulated by the man himself, are of limited benefit to the country, and that they are detrimental rather than beneficial when secured through inheritance. We therefore believe in a heavily progressive inheritance tax—a tax which shall bear very lightly on small or ordinary inheritances, but which shall bear very heavily upon all inheritances of colossal size. We believe in a heavily graded income tax, along the same lines, but discriminating sharply in favor of earned, as compared with unearned, incomes.

It would be needless and burdensome to set forth in detail all the matters, national, State, and municipal, to which we would apply our principles. We believe that municipalities should have complete self-government as regards all the affairs that are exclusively their own, including the important matter of taxation, and that the burden of municipal taxation should be so shifted as to put the weight of land taxation upon the unearned rise in value of the land itself rather than upon the improvements, the buildings; the effort being to prevent the undue rise of rent. We regard it as peculiarly the province of the government to supervise tenement-houses, to secure proper living conditions, and to erect parks and playgrounds in the congested districts, and to use the schools as social centres.

We hold that all the agencies of government belong to the people, that the Constitution is theirs, and that the courts are theirs. The people should exercise their power, not to overthrow either the Constitution or the courts, but to overthrow those who would pervert them into agents against the popular welfare. We believe that where a public servant misrepresents the people, the people should have the right to remove

him from office, and that where the legislature enacts a law which it should not enact or fails to enact a law which it should enact, the people should have the right on their own initiative to supply the omission. We do not believe that either power should be loosely or wantonly used, and we would provide for its exercise in a way which would make its exercise safe; but the power is necessary, and it should be provided.

We hold, moreover, with the utmost emphasis, that the people themselves should have the right to decide for themselves after due deliberation what laws are to be placed upon the statute-books and what construction is to be placed upon the constitutions, national and State, by the courts, so far as concerns all laws for social and industrial justice. This proposal has nothing whatever to do with any ordinary case at law. It has nothing to do with the exercise by the judge of judicial functions, or with his decision in any issue merely between man and man. It has to do only with the exercise by the court of political and legislative functions. We believe that it is wise to continue the American practice of using the courts as a check upon the legislature in this manner, but only so long as it is possible, in the event of conflict between the legislature and the court, to call in as arbiter the people who are the masters of both legislature and court, and whose own vital interests are at issue. The court and the legislature alike are the servants of the people, and they are dealing with the interests of the people; and the people, the masters of both, have the right to decide between them when their own most intimate concerns are at stake.

The present process of constitutional amendment is too long, too cumbrous, and too uncertain to afford an adequate remedy, and, moreover, after the amendment has been carried, the law must once more be submitted to the same court which was, perhaps, originally at fault, in order to decide whether the new law comes within the amendment. Provision should be made by which, after due deliberation, the people should be given the right themselves to decide whether or not a given law

passed in the exercise of the police power for social or industrial betterment and declared by the court to be unconstitutional, shall, notwithstanding this, become part of the law of the land. This proposal has caused genuine alarm and been treated as revolutionary; but opposition to it can proceed only from complete misunderstanding both of the proposal and of the needs of the situation. Of course, however, the selfish opposition of the great corporation lawyers and of their clients is entirely intelligent; for these men alone are the beneficiaries of the present reign of hidden, of invisible, government, and they rely primarily on well-meaning but reactionary courts to thwart the forward movement.

Concretely to illustrate just what we mean, our assertion is that the people have the right to decide for themselves whether or not they desire a workmen's compensation law, or a law limiting the number of hours of women in industry, or deciding whether in unhealthy bakeshops wage-workers shall be employed more than a certain length of time per day, or providing for the safeguarding of dangerous machinery, or insisting upon the payment of wages in cash, or assuming and exercising full power over the conduct of corporations—the power denied by the court in connection with the Knight Sugar Case, but finally secured to the people by the decision in the Northern Securities Case. Every one of these laws has been denied to the people, again and again, both by national and by State judges in various parts of the Union.

We hold emphatically that these matters are not properly matters for final judicial decision. The judges have no special opportunity and no especial ability to determine the justice or injustice, the desirability or undesirability, of legislation of such a character. Indeed, in most cases, although not in all, the judges in the higher courts are so out of touch with the conditions of life affected by social and industrial legislation on behalf of the humble that they are peculiarly unfit to say whether the legislation is wise or the reverse. Moreover, whether they are fit or unfit, it is not their province to decide

what the people ought or ought not to desire in matters of this kind. They are not lawmakers; they were not elected or appointed for such purpose. They are not censors of the public in this matter. We do not purpose to exalt the legislature at their expense. We do not accept the view so common in other countries that the legislature should be the supreme source of power. On the contrary, our experience has been that the legislature is quite as apt to act unwisely as any other governmental body; and it is because of this fact that the experiment of so-called commission government in cities is being so widely tried. We respect the judges, we think that they are more apt on the whole to be good public servants than any other men in office; but we as emphatically refuse to subscribe to the doctrine of the divine right of judges as to the doctrine of the divine right of kings. We are not specially concerned with the question as to which of two public servants, the court or the legislature, shall have the upper hand of the other; but we are vitally concerned in seeing that the people have the upper hand over both. Any argument against our position on this point is merely an argument against democracy.

Moreover, any professed adherence to our other doctrines, while at the same time this doctrine is repudiated, means nothing. During the last forty years the beneficiaries of reaction have found in the courts their main allies; and this condition, so unfortunate for the courts, no less than for the people, has been due to our governmental failure to furnish methods by which an appeal can be taken directly to the people when, in any such case as the cases I have above enumerated, there is an issue between the court and the legislature. It is idle to profess devotion to our Progressive proposals for social and industrial betterment if at the same time there is opposition to the one additional proposal by which they can be made effective. It is useless to advocate the passing of laws for social justice if we permit these laws to be annulled with impunity by the courts, or by any one else, after they have

been passed. This proposition is a vital point in the Progressive programme.

To sum up, then, our position is, after all, simple. We believe that the government should concern itself chiefly with the matters that are of most importance to the average man and average woman, and that it should be its special province to aid in making the conditions of life easier for these ordinary men and ordinary women, who compose the great bulk of our people. To this end we believe that the people should have direct control over their own governmental agencies; and that when this control has been secured, it should be used with resolution, but with sanity and self-restraint, in the effort to make conditions of life and labor a little easier, a little fairer and better for the men and women of the nation.

35

THE HEROIC MOOD[1]

I AM deeply sensible of the honor conferred on me and of the good-will shown me by the gentlemen who have announced themselves as delegates to be elected in my interest in the Massachusetts presidential primary. Nevertheless I must request, and I now do request and insist, that my name be not brought into the Massachusetts primaries, and I emphatically decline to be a candidate in the primaries of that or of any other State. Months ago I formally notified the authorities of Nebraska, Minnesota, and Michigan to this effect.

I do not wish the nomination.

I am not in the least interested in the political fortunes either of myself or any other man.

I am interested in awakening my fellow countrymen to the need of facing unpleasant facts. I am interested in the triumph of the great principles for which with all my heart and soul I have striven and shall continue to strive.

I will not enter into any fight for the nomination and I will not permit any factional fight to be made in my behalf. Indeed, I will go further and say that it would be a mistake to nominate me unless the country has in its mood something of the heroic—unless it feels not only devotion to ideals but the purpose measurably to realize those ideals in action.

This is one of those rare times which come only at long intervals in a nation's history, where the action taken determines the basis of the life of the generations that follow.

[1] Statement given to the press at Port of Spain, Trinidad, British West Indies, March 9, 1916.

Such times were those from 1776 to 1789, in the days of Washington, and from 1858 to 1865, in the days of Lincoln.

It is for us of to-day to grapple with the tremendous national and international problems of our own hour in the spirit and with the ability shown by those who upheld the hands of Washington and Lincoln. Whether we do or do not accomplish this feat will largely depend on the action taken at the Republican and Progressive conventions next June.

Nothing is to be hoped for from the present administration, and the struggles between the President and his party leaders in Congress are to-day merely struggles as to whether the nation shall see its governmental representatives adopt an attitude of a little more or a little less hypocrisy and follow a policy of slightly less baseness. All that they offer us is a choice between degrees of hypocrisy and degrees of infamy.

But disgust with the unmanly failure of the present administration, I believe, does not, and I know ought not to, mean that the American people will vote in a spirit of mere protest. They ought not to, and I believe they will not, be content merely to change the present administration for one equally timid, equally vacillating, equally lacking in vision, in moral integrity, and in high resolve. They should desire, and I believe they do desire, public servants and public policies signifying more than adroit cleverness in escaping action behind clouds of fine words, in refusal to face real internal needs, and in complete absorption of every faculty in devising constantly shifting hand-to-mouth and day-to-day measures for escape from our international duty by the abandonment of our national honor —measures due to sheer dread of various foreign powers, tempered by a sometimes harmonizing and sometimes conflicting dread of various classes of voters, especially hyphenated voters, at home.

We must clarify and define our policies, we must show that our belief in our governmental ideals is so real that we wish to make them count in the world at large and to make the necessary sacrifice in order that they shall count. Surely we,

of this great Republic, have a contribution to make to the cause of humanity and we cannot make it unless we first show that we can secure prosperity and fair dealing among our own men and women. I believe that in a crisis so grave it is impossible too greatly to magnify the needs of the country or too strongly to dwell on the necessity of minimizing and subordinating the desires of individuals.

The delegates who go to Chicago will have it in their power to determine the character of the administration which is to do or leave undone the mighty tasks of the next four years. That administration can do an incalculable amount to make or mar our country's future. The men chosen to decide such a question ought not to be politicians of the average type and parochial outlook; still less should they be politicians controlled by sinister influence from within or without. They should be the very best men that can be found in our country, whose one great mission should be to declare in unequivocal terms for a programme of clean-cut, straight-out, national Americanism, in deeds not less than in words, and in internal and international matters alike, and to choose as their candidate a man who will not merely stand for such a programme before election, but will resolutely and in good faith put it through if elected.

These men should be men of rugged independence, who possess the broadest sympathy with and understanding of the needs and desires of their fellows; their loyalty should be neither to classes nor to sections, but to the whole of the United States and to all the people that dwell therein. They should be controlled by no man and no interest and their own minds should be open.

June is a long way off. Many things may occur between now and then. It is utterly impossible to say now with any degree of certainty who should be nominated at Chicago. The crying, the vital need now is that the men who next June assemble at Chicago from the forty-eight States, and express the view of the entire country shall act with the sane and lofty

devotion to the interest of our nation as a whole which was shown by the original Continental Congress. They should approach their task unhampered by any pledge except to bring to its accomplishment every ounce of courage, intelligence, and integrity they possess.

36

THE NOMINATION FOR THE PRESIDENCY (1916)[1]

GENTLEMEN:

IN accordance with the message I sent to the Progressive National Convention as soon as I had received the notification that it had nominated me for President, I now communicate to you my reasons for declining the honor which I so deeply appreciate.

Since the adjournment of the convention I have received between two and three thousand letters and telegrams from men who had supported me for the nomination, the majority expressing the desire that I would refuse to run, while a minority urged that I should accept the nomination. As it is a physical impossibility to answer these letters and telegrams individually, I beg of the courtesy of the senders that they will accept this public statement in lieu of such answers.

Before speaking of anything else, I wish to express my heartiest and most unstinted admiration for the character and services of the men and women who made up the Progressive National Convention in 1916. I can give them no higher praise than to say that in all respects they stood level with the men and women who in 1912 joined at Chicago to found the Progressive party.

These two conventions, in character, in disinterestedness, in vision, in insight, in high purpose, and in desire to render practical service to the people, typified exactly what such bodies ought to be in a great self-governing democracy. They represented the spirit which moved Abraham Lincoln and his po-

[1] Letter addressed to the Progressive National Committee, and dated, Oyster Bay, N. Y., June 22, 1916.

litical associates during the decade preceding the close of the Civil War.

The platform put forth in 1912 was much the most important public document promulgated in this country since the death of Abraham Lincoln. It represented the first effort on a large scale to translate abstract formulas of economic and social justice into concrete American nationalism; the effort to apply the principles of Washington and Lincoln to the need of the United States in the twentieth century. No finer effort was ever made to serve the American people in a spirit of high loyalty to all that is loftiest in the American tradition.

Events have shown that the Progressive party in 1912 offered the only alternative to the triumph of the Democratic party. Moreover, these events have shown that the application of the principles which we then advocated is even more necessary to this nation than we at the time supposed.

The results of the terrible world war of the last two years have now made it evident to all who are willing to see that in this country there must be spiritual and industrial preparedness along the lines of efficiency, of loyal service to the nation, and of practical application of the precept that each man must be his brother's keeper.

Furthermore, it is no less evident that this preparedness for the tasks of peace forms the only sound basis for that indispensable military preparedness which rests on universal military training and which finds expression in universal obligatory service in time of war. Such universal obligatory training and service are the necessary complements of universal suffrage and represent the realization of the true American, the democratic, ideal in both peace and war.

Sooner or later the national principles championed by the Progressives of 1912, must in their general effect be embodied in the structure of our national existence. With all my heart I shall continue to work for these great ideals, shoulder to shoulder with the men and women who in 1912 championed

them; and I am sure that these men and women will show a like loyalty to the other, the fundamental, ideals which the events of the last two years have proven to be vital to the permanency of our national existence.

The method by which we are to show our loyalty to these ideals must be determined in each case by the actual event. Our loyalty is to the fact, to the principle, to the ideal, and not merely to the name, and least of all to the party name.

The Progressive movement has been given an incalculable impetus by what the Progressive party has done. Our strongest party antagonists have accepted and enacted into law, or embodied in their party platforms, very many of our most important principles. Much has been accomplished in awakening the public to a better understanding of the problems of social and industrial welfare.

Yet it has become entirely evident that the people under existing conditions are not prepared to accept a new party.

It is impossible for us Progressives to abandon our convictions. But we are faced with the fact that as things actually are the Progressive national organization no longer offers the means whereby we can make these convictions effective in our national life. Under such circumstances our duty is to do the best we can, and not to sulk because our leadership is rejected. That we ourselves continue to believe that the course we advocated was in the highest interest of the American people is aside from the question.

It is unpatriotic to refuse to do the best possible merely because the people have not put us in position to do what we regard as the very best. It remains for us, good-humoredly and with common sense, to face the situation and endeavor to get out of it the best that it can be made to yield from the standpoint of the interests of the nation as a whole.

This was the situation at the opening of the present year. It was clearly evident that unless a cataclysm occurred the presidential election would result in the choice of either the Republican or the Democratic nominee. The present Adminis-

tration, during its three years of life, had been guilty of shortcomings more signal than those of any Administration since the days of Buchanan. From the standpoint of national honor and interest, it stood on an even lower level than the Administration of Buchanan.

No Administration in our history had done more to relax the spring of the national will and to deaden the national conscience. Within the Republican party conflicting forces were at work. There were men among the organization leaders who advocated a course of action such as offered no improvement upon the Democratic position, and advocated the nomination of candidates whose election would have represented no improvement upon the continuance in office of Mr. Wilson.

If such a course were followed it would obviously become our duty to run a third ticket. But it was plainly our duty to do everything honorable in order to prevent such a necessity; to do everything short of sacrificing our most sacred convictions in order to secure the alignment under one leadership of the forces opposed to the continuance in power of Mr. Wilson and the Democratic party.

Under these circumstances the Progressive National Committee at Chicago in January outlined our duty to seek common action with the Republican party, using the following words:

"Our people are seeking leadership—leadership of the highest order and most courageous character; leadership that will draft to itself for the country's benefit the unselfish and patriotic services of its ablest citizens.

"The surest way to secure for our country the required leadership will be by having, if possible, both the Progressive and Republican parties choose the same standard-bearer and the same principles."

Six weeks later, on March 9, in my Trinidad statement I asked for a similar combination against the Democratic party on a platform of "clean-cut, straight-out national Americanism," and for a candidate "who will not merely stand for such

a programme before election, but will resolutely and in good faith put it through if elected."

This was, in effect, the same statement that I made in my telegram to ex-Senator Jackson, pending the convention, which ran in part as follows:

"Can we not, forgetting past differences, now join, for the safety and honor of our country, to enforce the policies of genuine Americanism and genuine preparedness?

"Surely we can afford to act in accordance with the words of Abraham Lincoln when he said: 'May not all having a common interest reunite in a common effort to save our common country? May we ask those who have not differed with us to join in this same spirit toward those who have?' As far as my own soul is known to me, it is in this same spirit that at this time I make my appeal to the Republicans and Progressives assembled at Chicago."

In addition to these public statements I had also stated my own attitude verbally and in letters during the weeks immediately preceding the convention to scores of leading Progressives from all parts of the country, including many of the leaders at the convention. To these men I expressed my earnest hope that the Republicans would so act as to make it possible for the Progressives to join with them.

I stated to them, however, that in view of the attitude of some of the Republican leaders, it was at least conceivable that we should be put in a position where our highest duty, our fealty to the country, our sense of what patriotism demanded in a great crisis would make it imperative upon us to run a separate ticket; and that whether in such event it would be necessary for me to head that ticket could not be determined in advance.

I stated in these interviews and in these letters, with the utmost emphasis, that the decision of this point, like the whole matter of running a separate ticket, would have to be determined by what the interests of the country demanded in view of the action finally taken by the conventions at Chicago.

At the time many of the Republican leaders asserted that my statements were not made in good faith; that I really intended to insist upon my own nomination by the Republican convention; and that if I was not so nominated I intended to accept the Progressive nomination and run on a third ticket.

Of course, my fellow Progressives were under no such error. They knew that I spoke in good faith and meant exactly what I said. They knew that my utterances were to be accepted at their exact face value as meaning that if the Republicans nominated a man whom we could conscientiously support we would support him. The Progressive convention came together knowing my public statements, and therefore knowing exactly what my attitude was.

In my judgment the nomination of Mr. Hughes meets the conditions set forth in the statement of the Progressive National Committee, issued last January, and in my own statements. Under existing conditions the nomination of a third ticket would, in my judgment, be merely a move in the interest of the election of Mr. Wilson.

I regard Mr. Hughes as a man whose public record is a guaranty that "he will not merely stand for a programme of clean-cut, straight-out Americanism before election, but will resolutely and in good faith put it through if elected." He is beyond all comparison better fitted to be President than Mr. Wilson.

It would be a grave detriment to the country to re-elect Mr. Wilson. I shall, therefore, strongly support Mr. Hughes. Such being the case, it is unnecessary to say that I cannot accept the nomination on a third ticket. I do not believe there should be a third ticket. I believe that when my fellow Progressives coolly consider the question they will for the most part take this position. They and I have but one purpose—the purpose to serve our common country. It is my deep conviction that at this moment we can serve it only by supporting Mr. Hughes.

It is urged against Mr. Hughes that he was supported by

the various so-called German-American alliances. I believe that the attitude of these professional German-Americans was due, not in the least to any liking for Mr. Hughes, but solely to their antagonism to me. They were bound to defeat me for the nomination.

The only way by which they could achieve this object was by supporting Mr. Hughes, and they supported him accordingly, without any regard to other considerations. I need hardly repeat what I have already said in stern reprobation of this professional German-American element—the element typified by the German-American alliances and the similar bodies which have in the prenomination campaign played not merely an un-American but a thoroughly anti-American part.

These men have nothing in common with the great body of Americans who are in whole or in part of German blood, and who are precisely as good Americans as those of any other ancestry. There are not, and never have been, in all our land better citizens than the great mass of the men and women of German birth or descent who have been or are being completely merged in our common American nationality—a nationality distinct from any in Europe, for Americans who are good Americans are no more German-Americans than they are English-Americans or Irish-Americans or Scandinavian-Americans. They are Americans and nothing else.

No good American, whatever his ancestry or creed, can have any feeling except scorn and detestation for those professional German-Americans who seek to make the American President in effect a viceroy of the German Emperor.

The professional German-Americans of this type are acting purely in the sinister interest of Germany. They have shown their eager readiness to sacrifice the interest of the United States whenever its interest conflicted with that of Germany. They represent that adherence to the politico-racial hyphen which is the badge and sign of moral treason to the Republic.

I have singled these men out for specific denunciation, and

assuredly if I support a candidate it may be accepted as proof that I am certain that the candidate is incapable of being influenced by the evil intrigues of these hyphenated Americans.

Mr. Hughes' character and his whole course of conduct in public affairs justify us in the assured conviction that the fact that these men have for their own purpose supported him will in no shape or way affect his public actions before or after election. His entire public life is a guaranty of this.

The events of the last three and a half years have shown that as much cannot be said for Mr. Wilson. In Mr. Wilson's case we do not have to consider his words, but his deeds. His deeds absolutely contradict his words; and for the matter of that his words absolutely contradict one another.

It is folly to pay heed to any of the promises in the platform on which he now stands in view of the fact that almost every important promise contained in the platform on which he stood four years ago has since been broken. We owe all of our present trouble with the professional German-American element in the United States to Mr. Wilson's timid and vacillating course during the last two years. The defenders of Mr. Wilson have alleged in excuse for him that he confronted a difficult situation.

As regards Mexico, the situation which Mr. Wilson confronted was nothing like as difficult as that which President McKinley confronted in connection with Cuba and the Philippines at the time of the Spanish War.

Under the actual circumstances we could with only a minimum of risk have protested on behalf of Belgium, a small, well-behaved nation, when she was exposed to the last extremity of outrage by the brutal violation of her neutral rights, this violation being itself a violation of The Hague conventions to which we were a signatory power.

As regards the foreign situation generally during the great war, the fact of the existence of the war made it far easier and safer for Mr. Wilson to assert our rights than if he had

had to deal with some single strong power which was at the time unhampered by war.

During the last twenty years questions have arisen with powers of the first rank, such as England, Japan, and Germany, each of which has necessitated far greater courage, resolution, and judgment on the part of the President dealing with it than President Wilson need have shown in order to put a complete stop to the continually repeated murder of American men, women, and children on the high seas by German submarines—the *Lusitania* being merely the worst of many such cases. The same feebleness that was shown by President Wilson in dealing with Germany abroad was also shown by him in dealing with the organized German outrages within our own land, and, finally, in dealing with the organized German-American vote. The continued existence of the German-American menace at home is directly due to Mr. Wilson's course of action during the last two years.

Certain of my friends who feel that the Progressives should run a third ticket base their feeling on objection to the character or actions of the Republican National Convention. As regards this point, it is sufficient to say that the members of the Republican National Convention were unquestionably induced to nominate Mr. Hughes primarily because of the belief that his integrity and force of character and his long record of admirable public service would make him peculiarly acceptable not only to the rank and file of the Republican party but to the people generally. I do not believe that Mr. Hughes would have been nominated if it had not been for the fight on behalf of public decency and efficiency which the Progressive party has waged during the past four years.

In any event, and without any regard to what the personal feelings of any of us may be as regards the action of the Republican convention, I wish very solemnly to ask the representatives of the Progressive party to consider at this time only the welfare of the people of the United States. We shall prove false to our ideals and our professions if, in this grave

crisis of the nation's life, we permit ourselves to be swerved from the one prime duty of serving with cool judgment and single-minded devotion the nation's needs.

Our own political fortunes, individually and collectively, are of no consequence whatever when compared with the honor and welfare of the people of the United States. Such things do not count when weighed in the balance against our duty to serve well the country in which, after we are dead, our children and our children's children are to live.

The world is passing through a great crisis, and no man can tell what trial and jeopardy will have to be faced by this nation during the years immediately ahead. There is now no longer before us for decision the question as to what particular man we may severally most desire to see at the head of the government. We can decide only whether during these possibly vital years this country shall be intrusted to the leadership of Mr. Hughes or Mr. Wilson.

Mr. Wilson has been tried and found wanting. His party because of its devotion to the outworn theory of State rights, and because of its reliance upon purely sectional support, stands against that spirit of far-sighted nationalism which is essential if we are to deal adequately with our gravest social and industrial problems.

Mr. Wilson and his party have in actual practice lamentably failed to safeguard the interest and honor of the United States. They have brought us to impotence abroad and to division and weakness at home. They have accustomed us to see the highest and most responsible offices of government filled by incompetent men, appointed only for reasons of partisan politics. They have dulled the moral sense of the people. They have taught us that peace, the peace of cowardice and dishonor and indifference to the welfare of others, is to be put above righteousness, above the stern and unflinching performance of duty, whether the duty is pleasant or unpleasant.

Yet in Mexico they have failed even to secure the peace which they thus sought; and they have failed in spite of the

most ample opportunity and most ample warning to prepare in any real fashion to meet the crisis which their own policy invited. They have taught us to put "safety first," safety before duty and honor; to put that materialism which expresses itself in mere money-making, and in the fatter ease of life, above all spiritual things, above all the high and fine instincts of the soul. They have taught us to accept adroit elocution as a substitute for straightforward and efficient action. They have raised indecision, hesitancy, and vacillation into a settled governmental policy.

Mr. Hughes has shown in his career the instinct of efficiency which will guarantee that, under him, the government will once more work with vigor and force. He possesses that habit of straightforward thinking which means that his words will be correlated with his deeds and translated into facts. His past career is the warrant for our belief that he will be the unfaltering opponent of that system of invisible government which finds expression in the domination of the party boss and the party machine.

His past career is a guaranty that whatever he says before election will be made good by his acts after election. Morally, his public record shows him to be a man of unbending integrity; intellectually, it shows him to be a man of original and trained ability. We have the alternative of continuing in office an administration which has proved a lamentable failure, or of putting into office an administration which we have every reason to believe will function with efficiency for the interest and honor of all our people. I earnestly bespeak from my fellow Progressives their ungrudging support of Mr. Hughes.

Yours truly,

THEODORE ROOSEVELT

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